

By: Hayes

H.B. No. 4452

A BILL TO BE ENTITLED

AN ACT

1
2 relating to exempting the intrastate manufacture of a firearm, a
3 firearm accessory, or ammunition from federal regulation.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The Legislature of the State of Texas finds that:

6 (1) The Tenth Amendment to the United States
7 Constitution reserves to the states and the people all powers not
8 granted to the federal government elsewhere in the constitution, as
9 those powers were understood at the time that Texas was admitted to
10 statehood in 1845. The guaranty of those powers is a matter of
11 contract between the state and people of Texas and the United States
12 dating from the time Texas became a state.

13 (2) The Ninth Amendment to the United States
14 Constitution guarantees to the people rights not enumerated in the
15 constitution, as those rights were understood at the time Texas
16 became a state. The guaranty of those rights is a matter of contract
17 between the state and people of Texas and the United States dating
18 from the time Texas became a state.

19 (3) The regulation of intrastate commerce is vested in
20 the states under the Ninth and Tenth Amendments to the United States
21 Constitution if not expressly preempted by federal law. The United
22 States Congress has not expressly preempted state regulation of
23 intrastate commerce relating to the manufacture on an intrastate
24 basis of firearms, firearms accessories, and ammunition.

1 stock and grip, speedloader, ammunition carrier, and light for
2 target illumination.

3 (2) "Generic and insignificant part" means an item
4 that has manufacturing or consumer product applications other than
5 inclusion in a firearm, a firearm accessory, or ammunition. The
6 term includes a spring, screw, nut, and pin.

7 (3) "Manufacture" includes forging, casting,
8 machining, or another process for working a material.

9 Sec. 2003.002. MEANING OF "MANUFACTURED IN THIS STATE." (a)
10 For the purposes of this chapter, a firearm, a firearm accessory, or
11 ammunition is manufactured in this state if the item is
12 manufactured:

13 (1) in this state from basic materials; and

14 (2) without the inclusion of any part imported from
15 another state other than a generic and insignificant part.

16 (b) For the purposes of this chapter, a firearm is
17 manufactured in this state if it is manufactured as described by
18 Subsection (a) without regard to whether a firearm accessory
19 imported into this state from another state is attached to or used
20 in conjunction with it.

21 Sec. 2003.003. NOT SUBJECT TO FEDERAL REGULATION. (a) A
22 firearm, a firearm accessory, or ammunition that is manufactured in
23 this state and remains in this state is not subject to federal law
24 or federal regulation, including registration, under the authority
25 of the United States Congress to regulate interstate commerce.

26 (b) A basic material from which a firearm, a firearm
27 accessory, or ammunition is manufactured in this state, including

1 unmachined steel and unshaped wood, is not a firearm, a firearm
2 accessory, or ammunition and is not subject to federal regulation
3 under the authority of the United States Congress to regulate
4 interstate commerce as if it actually were a firearm, a firearm
5 accessory, or ammunition.

6 Sec. 2003.004. EXCEPTIONS. This chapter does not apply to:

7 (1) a firearm that cannot be carried and used by one
8 person;

9 (2) a firearm that has a bore diameter greater than 1.5
10 inches and that uses smokeless powder and not black powder as a
11 propellant;

12 (3) ammunition with a projectile that explodes using
13 an explosion of chemical energy after the projectile leaves the
14 firearm; or

15 (4) any firearm that is capable of shooting more than
16 two shots automatically, without manual reloading, by a single
17 function of the trigger.

18 Sec. 2003.005. MARKETING OF FIREARMS. A firearm
19 manufactured and sold in this state must have the words "Made in
20 Texas" clearly stamped on a central metallic part, such as the
21 receiver or frame.

22 Sec. 2003.006. ATTORNEY GENERAL. On written notification
23 to the attorney general by a United States citizen who resides in
24 this state of the citizen's intent to manufacture a firearm, a
25 firearm accessory, or ammunition to which this chapter applies, the
26 attorney general shall seek a declaratory judgment from a federal
27 district court in this state that this chapter is consistent with

1 the United States Constitution.

2 SECTION 4. This Act applies only to a firearm, a firearm
3 accessory, as that term is defined by Section 2003.001, Business &
4 Commerce Code, as added by this Act, or ammunition that is
5 manufactured on or after the effective date of this Act.

6 SECTION 5. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2023.