

By: Tinderholt

H.B. No. 5153

A BILL TO BE ENTITLED

AN ACT

relating to the right of the people to keep and bear arms.

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

SECTION 1. Title 1, Government Code, is amended by adding Chapter 3 to read as follows:

CHAPTER 3. FEDERAL REGULATION OF FIREARMS

SUBCHAPTER A. NON-COOPERATION

Sec. 3.001. PROHIBITION. No public officer or employee of this state or of any political subdivision of this state shall enforce or attempt to enforce, or provide material aid to the efforts of another who enforces or attempts to enforce, any of the following federal acts, laws, executive orders, administrative orders, rules, regulations, statutes, or ordinances:

(1) Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not common to all other goods and services and that might reasonably be expected to create a chilling effect on the purchase or ownership of those items;

(2) Any registration or tracking of firearms, firearm accessories, or ammunition;

(3) Any registration or tracking of the ownership of firearms, firearm accessories, or ammunition;

(4) Any act forbidding the possession, ownership, use, or transfer of a firearm, firearm accessory, or ammunition by a person who is not prohibited under state law from possessing a

1 firearm, unless the person is not legally present in the United
2 States or this state; and

3 (5) Any act ordering the confiscation of firearms,
4 firearm accessories, or ammunition from a person who is not
5 prohibited under state law from possessing a firearm, unless the
6 person is not legally present in the United States or this state.

7 Sec. 3.002. PRIVATE CAUSE OF ACTION. (a) Any political
8 subdivision or any state or local law enforcement agency that
9 employs a law enforcement officer who acts knowingly to violate the
10 provisions of Section 3.001 shall be liable to the injured party in
11 an action at law, suit in equity, or other proper proceeding for
12 redress, and subject to a civil penalty of fifty thousand dollars
13 per occurrence.

14 (b) Any person injured under this section shall also have
15 standing to pursue an action for injunctive relief in the district
16 court of the county in which the action allegedly occurred or in the
17 district court of Travis County. The court shall hold a hearing on
18 the motion for temporary restraining order and preliminary
19 injunction within thirty days of service of the petition.

20 (c) In any action under this section, the court shall award
21 the prevailing party, other than this state or any political
22 subdivision of the state, reasonable attorney's fees and costs.

23 (d) Sovereign immunity shall not be an affirmative defense
24 in any action pursuant to this section.

25 Sec. 3.003. CONSTRUCTION. (b) For the purposes of this
26 subchapter, "material aid" shall include voluntarily giving or
27 allowing others to make use of lodging; communications equipment or

1 services, including social media accounts; facilities; weapons;
2 personnel; transportation; clothing; or other physical assets.
3 Material aid shall not include giving or allowing the use of
4 medicine or other materials necessary to treat physical injuries,
5 nor shall the term include any assistance provided to help persons
6 escape a serious, present risk of life-threatening injury.

7 (c) In this subchapter, "knowingly" has the meaning
8 assigned by Section 6.03, Penal Code.

9 (d) Nothing in this subchapter shall be construed to
10 prohibit state officials from accepting aid from federal officials
11 to enforce the laws of this state.

12 (e) It shall not be considered a violation of this
13 subchapter to provide material aid to federal officials who are in
14 pursuit of a suspect when there is a demonstrable criminal nexus
15 with another state or country and such suspect is either not a
16 citizen of this state or is not present in this state.

17 (f) It shall not be considered a violation of this
18 subchapter to provide material aid to federal prosecution for
19 felony crimes against a person when such prosecution includes
20 weapons violations substantially similar to those found in Chapter
21 46, Penal Code, so long as such weapons violations are merely
22 ancillary to such prosecution.

23 (g) Nothing in this subchapter shall be construed to alter
24 any federal law.

25 SECTION 2. This Act takes effect September 1, 2023.