

1-1 By: Oliverson, et al. (Senate Sponsor - Springer) H.B. No. 957
 1-2 (In the Senate - Received from the House May 5, 2021;
 1-3 May 10, 2021, read first time and referred to Committee on State
 1-4 Affairs; May 18, 2021, reported favorably by the following vote:
 1-5 Yeas 6, Nays 2; May 18, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12		X		
1-13	X			
1-14		X		
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to local, state, and federal regulation of firearm
 1-20 suppressors.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Title 1, Government Code, is amended by adding
 1-23 Chapter 2 to read as follows:

1-24 CHAPTER 2. FIREARM SUPPRESSOR REGULATION

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 2.001. DEFINITIONS. In this chapter:

1-27 (1) "Firearm" has the meaning assigned by Section
 1-28 46.01, Penal Code.

1-29 (2) "Firearm suppressor" means any device designed,
 1-30 made, or adapted to muffle the report of a firearm.

1-31 (3) "Generic and insignificant part" means an item
 1-32 that has manufacturing or consumer product applications other than
 1-33 inclusion in a firearm suppressor. The term includes a spring,
 1-34 screw, nut, and pin.

1-35 (4) "Manufacture" includes forging, casting,
 1-36 machining, or another process for working a material.

1-37 SUBCHAPTER B. INTRASTATE MANUFACTURE OF FIREARM SUPPRESSOR

1-38 Sec. 2.051. MEANING OF "MANUFACTURED IN THIS STATE." (a)
 1-39 For the purposes of this subchapter, a firearm suppressor is
 1-40 manufactured in this state if the item is manufactured:

1-41 (1) in this state from basic materials; and

1-42 (2) without the inclusion of any part imported from
 1-43 another state other than a generic and insignificant part.

1-44 (b) For the purposes of this subchapter, a firearm
 1-45 suppressor is manufactured in this state if it is manufactured as
 1-46 described by Subsection (a) without regard to whether a firearm
 1-47 imported into this state from another state is attached to or used
 1-48 in conjunction with the suppressor.

1-49 Sec. 2.052. NOT SUBJECT TO FEDERAL REGULATION. (a) A
 1-50 firearm suppressor that is manufactured in this state and remains
 1-51 in this state is not subject to federal law or federal regulation,
 1-52 including registration, under the authority of the United States
 1-53 Congress to regulate interstate commerce.

1-54 (b) A basic material from which a firearm suppressor is
 1-55 manufactured in this state, including unmachined steel, is not a
 1-56 firearm suppressor and is not subject to federal regulation under
 1-57 the authority of the United States Congress to regulate interstate
 1-58 commerce as if it actually were a firearm suppressor.

1-59 Sec. 2.053. MARKETING OF FIREARM SUPPRESSOR. A firearm
 1-60 suppressor manufactured and sold in this state must have the words
 1-61 "Made in Texas" clearly stamped on it.

2-1 Sec. 2.054. ATTORNEY GENERAL. On written notification to
2-2 the attorney general by a United States citizen who resides in this
2-3 state of the citizen's intent to manufacture a firearm suppressor
2-4 to which Section 2.052 applies, the attorney general shall seek a
2-5 declaratory judgment from a federal district court in this state
2-6 that Section 2.052 is consistent with the United States
2-7 Constitution.

2-8 SUBCHAPTER C. ENFORCEMENT OF CERTAIN FEDERAL FIREARMS LAWS
2-9 PROHIBITED

2-10 Sec. 2.101. APPLICABILITY. This subchapter applies to:
2-11 (1) the State of Texas, including an agency,
2-12 department, commission, bureau, board, office, council, court, or
2-13 other entity that is in any branch of state government and that is
2-14 created by the constitution or a statute of this state, including a
2-15 university system or a system of higher education;

2-16 (2) the governing body of a municipality, county, or
2-17 special district or authority;

2-18 (3) an officer, employee, or other body that is part of
2-19 a municipality, county, or special district or authority, including
2-20 a sheriff, municipal police department, municipal attorney, or
2-21 county attorney; and

2-22 (4) a district attorney or criminal district attorney.

2-23 Sec. 2.102. STATE AND LOCAL GOVERNMENT POLICY REGARDING
2-24 ENFORCEMENT OF FEDERAL FIREARM LAWS. (a) An entity described by
2-25 Section 2.101 may not adopt a rule, order, ordinance, or policy
2-26 under which the entity enforces, or by consistent action allows the
2-27 enforcement of, a federal statute, order, rule, or regulation that
2-28 purports to regulate a firearm suppressor if the statute, order,
2-29 rule, or regulation imposes a prohibition, restriction, or other
2-30 regulation that does not exist under the laws of this state.

2-31 (b) No entity described by Section 2.101 and no person
2-32 employed by or otherwise under the direction or control of the
2-33 entity may enforce or attempt to enforce any federal statute,
2-34 order, rule, or regulation described by Subsection (a).

2-35 Sec. 2.103. STATE GRANT FUNDS. (a) An entity described by
2-36 Section 2.101 may not receive state grant funds if the entity adopts
2-37 a rule, order, ordinance, or policy under which the entity enforces
2-38 a federal law described by Section 2.102(a) or, by consistent
2-39 action, allows the enforcement of a federal law described by
2-40 Section 2.102(a).

2-41 (b) State grant funds for the entity shall be denied for the
2-42 fiscal year following the year in which a final judicial
2-43 determination in an action brought under this subchapter is made
2-44 that the entity has violated Section 2.102(a).

2-45 Sec. 2.104. ENFORCEMENT. (a) Any citizen residing in the
2-46 jurisdiction of an entity described by Section 2.101 may file a
2-47 complaint with the attorney general if the citizen offers evidence
2-48 to support an allegation that the entity has adopted a rule, order,
2-49 ordinance, or policy under which the entity enforces a federal law
2-50 described by Section 2.102(a) or that the entity, by consistent
2-51 action, allows the enforcement of a federal law described by
2-52 Section 2.102(a). The citizen must include with the complaint any
2-53 evidence the citizen has in support of the complaint.

2-54 (b) If the attorney general determines that a complaint
2-55 filed under Subsection (a) against an entity described by Section
2-56 2.101 is valid, to compel the entity's compliance with this
2-57 subchapter the attorney general may file a petition for a writ of
2-58 mandamus or apply for other appropriate equitable relief in a
2-59 district court in Travis County or in a county in which the
2-60 principal office of the entity is located. The attorney general may
2-61 recover reasonable expenses incurred obtaining relief under this
2-62 subsection, including court costs, reasonable attorney's fees,
2-63 investigative costs, witness fees, and deposition costs.

2-64 (c) An appeal of a suit brought under Subsection (b) is
2-65 governed by the procedures for accelerated appeals in civil cases
2-66 under the Texas Rules of Appellate Procedure. The appellate court
2-67 shall render its final order or judgment with the least possible
2-68 delay.

2-69 SECTION 2. Section 46.05(a), Penal Code, is amended to read

3-1 as follows:

3-2 (a) A person commits an offense if the person intentionally
3-3 or knowingly possesses, manufactures, transports, repairs, or
3-4 sells:

3-5 (1) any of the following items, unless the item is
3-6 registered in the National Firearms Registration and Transfer
3-7 Record maintained by the Bureau of Alcohol, Tobacco, Firearms and
3-8 Explosives or otherwise not subject to that registration
3-9 requirement or unless the item is classified as a curio or relic by
3-10 the United States Department of Justice:

3-11 (A) an explosive weapon;

3-12 (B) a machine gun; or

3-13 (C) a short-barrel firearm;

3-14 (2) armor-piercing ammunition;

3-15 (3) a chemical dispensing device;

3-16 (4) a zip gun;

3-17 (5) a tire deflation device; or

3-18 (6) ~~[a firearm silencer, unless the firearm silencer
3-19 is classified as a curio or relic by the United States Department of
3-20 Justice or the actor otherwise possesses, manufactures,
3-21 transports, repairs, or sells the firearm silencer in compliance
3-22 with federal law; or~~

3-23 ~~[(7)]~~ an improvised explosive device.

3-24 SECTION 3. Section 46.01(4), Penal Code, is repealed.

3-25 SECTION 4. Subchapter B, Chapter 2, Government Code, as
3-26 added by this Act, applies only to a firearm suppressor, as that
3-27 term is defined by Section 2.001, Government Code, as added by this
3-28 Act, that is manufactured on or after the effective date of this
3-29 Act.

3-30 SECTION 5. An offense under Section 46.05(a)(6), Penal
3-31 Code, as it existed immediately before the effective date of this
3-32 Act, may not be prosecuted after the effective date of this Act. If
3-33 on the effective date of this Act a criminal action is pending for
3-34 an offense described by that subdivision, the action is dismissed
3-35 on that date. However, a final conviction for an offense described
3-36 by that subdivision that exists on the effective date of this Act is
3-37 unaffected by this Act.

3-38 SECTION 6. This Act takes effect September 1, 2021.

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