

1-1 By: Hughes S.B. No. 1362
1-2 (In the Senate - Filed February 18, 2025; March 6, 2025,
1-3 read first time and referred to Committee on State Affairs;
1-4 March 17, 2025, reported favorably by the following vote: Yeas 10,
1-5 Nays 0; March 17, 2025, 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	X			
1-18			X	

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to prohibiting the recognition, service, and enforcement
1-22 of extreme risk protective orders; creating a criminal offense.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-24 SECTION 1. This Act shall be known as the "Anti-Red Flag
1-25 Act."

1-26 SECTION 2. Title 1, Code of Criminal Procedure, is amended
1-27 by adding Chapter 7C to read as follows:

1-28 CHAPTER 7C. PROHIBITION ON RECOGNITION, SERVICE, AND ENFORCEMENT
1-29 OF EXTREME RISK PROTECTIVE ORDERS
1-30 Art. 7C.001. DEFINITIONS. In this chapter:

1-31 (1) "Extreme risk protective order" means a written
1-32 order, warrant, or executive order issued by a court or signed by a
1-33 magistrate or other court officer that:

1-34 (A) has the primary purpose of reducing the risk
1-35 of death or injury related to a firearm by:

1-36 (i) prohibiting a person from owning,
1-37 possessing, or receiving a firearm; or

1-38 (ii) requiring a person to surrender a
1-39 firearm or otherwise removing a firearm from a person; and

1-40 (B) is not issued on the basis of conduct that
1-41 resulted in a criminal charge for the person who is the subject of
1-42 the order.

1-43 (2) "Firearm" has the meaning assigned by Section
1-44 46.01, Penal Code.

1-45 Art. 7C.002. LOCAL REGULATION PROHIBITED. (a) This
1-46 article applies to:

1-47 (1) the State of Texas, including an agency,
1-48 department, commission, bureau, board, office, council, court, or
1-49 other entity that is in any branch of state government and that is
1-50 created by the constitution or a statute of this state, including a
1-51 university system or a system of higher education;

1-52 (2) the governing body of a municipality, county, or
1-53 special district or authority;

1-54 (3) an officer, employee, or other body that is part of
1-55 a municipality, county, or special district or authority, including
1-56 a sheriff, municipal police department, municipal attorney, or
1-57 county attorney; and

1-58 (4) a district attorney or criminal district attorney.

1-59 (b) An entity described by Subsection (a) may not adopt or
1-60 enforce a rule, ordinance, order, policy, or other similar measure
1-61 relating to an extreme risk protective order unless state law

specifically authorizes the adoption and enforcement of such a rule, ordinance, order, policy, or measure.

Art. 7C.003. CERTAIN FEDERAL LAWS UNENFORCEABLE. A federal statute, order, rule, or regulation purporting to implement or enforce an extreme risk protective order against a person in this state that infringes on the person's right of due process, keeping and bearing arms, or free speech protected by the United States Constitution or the Texas Constitution is unenforceable as against the public policy of this state and shall have no effect.

Art. 7C.004. ACCEPTING CERTAIN FEDERAL GRANTS PROHIBITED. An entity described by Article 7C.002(a) may not accept federal grant funds for the implementation, service, or enforcement of a federal statute, order, rule, or regulation purporting to implement or enforce an extreme risk protective order against a person in this state.

Art. 7C.005. OFFENSE. (a) A person commits an offense if the person serves or enforces or attempts to serve or enforce an extreme risk protective order against a person in this state, unless the order was issued under the laws of this state.

(b) An offense under this article is a state jail felony.

SECTION 3. This Act takes effect September 1, 2025.

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