

By: Krause

H.B. No. 238

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the enforcement of certain federal laws regulating
3 firearms, firearm accessories, and firearm ammunition within the
4 State of Texas.

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

6 SECTION 1. Chapter 1, Penal Code, is amended by adding
7 Section 1.10 to read as follows:

8 Sec. 1.10. ENFORCEMENT OF CERTAIN FEDERAL LAWS REGULATING
9 FIREARMS, FIREARM ACCESSORIES, AND FIREARM AMMUNITION. (a) In
10 this section:

11 (1) "Firearm" has the meaning assigned by Section
12 46.01.

13 (2) "Firearm accessory" means an item that is used in
14 conjunction with or mounted on a firearm but is not essential to the
15 basic function of a firearm. The term includes a detachable firearm
16 magazine.

17 (b) An agency of this state or a political subdivision of
18 this state, and a law enforcement officer or other person employed
19 by an agency of this state or a political subdivision of this state,
20 may not contract with or in any other manner provide assistance to a
21 federal agency or official with respect to the enforcement of a
22 federal statute, order, rule, or regulation purporting to regulate
23 a firearm, a firearm accessory, or firearm ammunition if the
24 statute, order, rule, or regulation imposes a prohibition,

1 restriction, or other regulation, such as a capacity or size
2 limitation or a registration requirement, that does not exist under
3 the laws of this state.

4 (c) Subsection (b) does not apply to a contract or agreement
5 to provide assistance in the enforcement of a federal statute,
6 order, rule, or regulation in effect on August 31, 2019, that
7 pertains to border security.

8 (d) A political subdivision of this state may not receive
9 state grant funds if the political subdivision adopts a rule,
10 order, ordinance, or policy under which the political subdivision
11 requires the enforcement of any federal statute, order, rule, or
12 regulation described by Subsection (b) or, by consistent actions,
13 requires the enforcement of any federal statute, order, rule, or
14 regulation described by Subsection (b). State grant funds for the
15 political subdivision shall be denied for the fiscal year following
16 the year in which a final judicial determination in an action
17 brought under this section is made that the political subdivision
18 has intentionally required the enforcement of any federal statute,
19 order, rule, or regulation described by Subsection (b).

20 (e) Any citizen residing in the jurisdiction of a political
21 subdivision of this state may file a complaint with the attorney
22 general if the citizen offers evidence to support an allegation
23 that the political subdivision has adopted a rule, order,
24 ordinance, or policy under which the political subdivision requires
25 the enforcement of any federal statute, order, rule, or regulation
26 described by Subsection (b) or that the political subdivision, by
27 consistent actions, requires the enforcement of any federal

1 statute, order, rule, or regulation described by Subsection (b).
2 The citizen must include with the complaint the evidence the
3 citizen has that supports the complaint.

4 (f) If the attorney general determines that a complaint
5 filed under Subsection (e) against a political subdivision of this
6 state is valid, the attorney general may file a petition for a writ
7 of mandamus or apply for other appropriate equitable relief in a
8 district court in Travis County or in a county in which the
9 principal office of the political subdivision is located to compel
10 the political subdivision to comply with Subsection (b). The
11 attorney general may recover reasonable expenses incurred in
12 obtaining relief under this subsection, including court costs,
13 reasonable attorney's fees, investigative costs, witness fees, and
14 deposition costs.

15 (g) An appeal of a suit brought under Subsection (f) is
16 governed by the procedures for accelerated appeals in civil cases
17 under the Texas Rules of Appellate Procedure. The appellate court
18 shall render its final order or judgment with the least possible
19 delay.

20 (h) The attorney general shall defend any agency of this
21 state that the federal government attempts to sue for an action or
22 omission consistent with the requirements of this section.

23 SECTION 2. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2019.