

By: Krause

H.B. No. 110

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of certain federal laws regulating firearms, firearm accessories, and firearm ammunition within the State of Texas.

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

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

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

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

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

(b) An agency of this state or a political subdivision of this state, and a law enforcement officer or other person employed by an agency of this state or a political subdivision of this state, may not contract with or in any other manner provide assistance to a federal agency or official with respect to the enforcement of a federal statute, order, rule, or regulation purporting to regulate a firearm, a firearm accessory, or firearm ammunition if the 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, 2017, 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, 2017.