

BILL ANALYSIS

Senate Research Center
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H.B. 2622
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Second Amendment to the United States Constitution guarantees an individual's right of the people to keep and bear arms. While the state protects these rights, there are concerns that federal officials may enact measures to erode Texans' Second Amendment rights. H.B. 2622 seeks to be proactive in protecting Texans' Second Amendment rights by enacting the Second Amendment Sanctuary State Act, which prohibits the enforcement of certain federal regulations on firearms, firearm accessories, or ammunition that are not in state law.

H.B. 2622 amends current law relating to the enforcement of certain federal laws regulating firearms, firearm accessories, and firearm ammunition within the State of Texas.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Authorizes this Act to be cited as the Second Amendment Sanctuary State Act.

SECTION 2. Amends Chapter 1, Penal Code, by adding Section 1.10, as follows:

Sec. 1.10. ENFORCEMENT OF CERTAIN FEDERAL LAWS REGULATING FIREARMS, FIREARM ACCESSORIES, AND FIREARM AMMUNITION. (a) Defines "ammunition," "firearm," "firearm accessory," and "state funds" for this section.

(b) Prohibits an agency of this state, a political subdivision of this state, or a law enforcement officer or other person employed by an agency of this state or a political subdivision of this state, notwithstanding any other law, from contracting with or in any other manner providing assistance to a federal agency or official with respect to the enforcement of a federal statute, order, rule, or regulation that:

(1) imposes a prohibition, restriction, or other regulation that does not exist under the laws of this state; and

(2) relates to:

(A) a registry requirement for a firearm, a firearm accessory, or ammunition;

(B) a requirement that an owner of a firearm, a firearm accessory, or ammunition possess a license as a condition of owning, possessing, or carrying the firearm, firearm accessory, or ammunition;

(C) a requirement that a background check be conducted for the private sale or transfer of a firearm, a firearm accessory, or ammunition;

(D) a program for confiscating a firearm, a firearm accessory, or ammunition from a person who is not otherwise prohibited by the laws of this state from possessing the firearm, firearm accessory, or ammunition; or

(E) a program that requires an owner of a firearm, a firearm accessory, or ammunition to sell the firearm, firearm accessory, or ammunition.

(c) Provides that Subsection (b) does not apply to a contract or agreement to provide assistance in the enforcement of a federal statute, order, rule, or regulation in effect on January 19, 2021.

(d) Prohibits a political subdivision of this state from receiving state funds if the political subdivision enters into a contract or adopts a rule, order, ordinance, or policy under which the political subdivision requires or assists with the enforcement of any federal statute, order, rule, or regulation described by Subsection (b) or, by consistent actions, requires or assists with the enforcement of any federal statute, order, rule, or regulation described by Subsection (b). Requires that state funds for the political subdivision be denied for the fiscal year following the year in which a final judicial determination in an action brought under this section is made that the political subdivision has required or assisted with the enforcement of any federal statute, order, rule, or regulation described by Subsection (b).

(e) Authorizes any individual residing in the jurisdiction of a political subdivision of this state to file a complaint with the attorney general if the individual offers evidence to support an allegation that the political subdivision has entered into a contract or adopted a rule, order, ordinance, or policy under which the political subdivision requires or assists with the enforcement of any federal statute, order, rule, or regulation described by Subsection (b) or evidence to support an allegation that the political subdivision, by consistent actions, requires or assists with the enforcement of any federal statute, order, rule, or regulation described by Subsection (b). Requires the individual to include with the complaint the evidence the individual has that supports the complaint.

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

(g) Provides that an appeal of a suit brought under Subsection (f) is governed by the procedures for accelerated appeals in civil cases under the Texas Rules of Appellate Procedure. Requires the appellate court to render its final order or judgment with the least possible delay.

(h) Requires the attorney general to defend any agency of this state in a suit brought against the agency by the federal government for an action or omission consistent with the requirements of this section.

SECTION 3. Effective date: upon passage or September 1, 2021.