

CODE OF CRIMINAL PROCEDURE

TITLE 1. CODE OF CRIMINAL PROCEDURE

CHAPTER 7C. PROHIBITION ON RECOGNITION, SERVICE, AND ENFORCEMENT
OF EXTREME RISK PROTECTIVE ORDERS

Art. 7C.001. DEFINITIONS. In this chapter:

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

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

(i) prohibiting a person from owning, possessing, or receiving a firearm; or

(ii) requiring a person to surrender a firearm or otherwise removing a firearm from a person; and

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

(2) "Firearm" has the meaning assigned by Section [46.01](#), Penal Code.

Added by Acts 2025, 89th Leg., R.S., Ch. 1182 (S.B. [1362](#)), Sec. 2, eff. September 1, 2025.

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

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

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

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

(4) a district attorney or criminal district attorney.

(b) An entity described by Subsection (a) may not adopt or enforce a rule, ordinance, order, policy, or other similar measure 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.

Added by Acts 2025, 89th Leg., R.S., Ch. 1182 (S.B. [1362](#)), Sec. 2, eff. September 1, 2025.

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.

Added by Acts 2025, 89th Leg., R.S., Ch. 1182 (S.B. [1362](#)), Sec. 2, eff. September 1, 2025.

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.

Added by Acts 2025, 89th Leg., R.S., Ch. 1182 (S.B. [1362](#)), Sec. 2, eff. September 1, 2025.

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.

Added by Acts 2025, 89th Leg., R.S., Ch. 1182 (S.B. [1362](#)), Sec. 2, eff. September 1, 2025.

Art. 7C.006. INAPPLICABILITY. This chapter does not apply to a protective order issued under the Family Code or the Code of

Criminal Procedure or to a protective order issued under the laws of another state that is recognized or enforceable under the Family Code or the Code of Criminal Procedure.

Added by Acts 2025, 89th Leg., R.S., Ch. 1182 (S.B. [1362](#)), Sec. 2, eff. September 1, 2025.