

GOVERNMENT CODE

TITLE 1. GENERAL PROVISIONS

CHAPTER 2. FIREARM SUPPRESSOR REGULATION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2.001. DEFINITIONS. In this chapter:

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

(2) "Firearm suppressor" means any device designed, made, or adapted to muffle the report of a firearm.

(3) "Generic and insignificant part" means an item that has manufacturing or consumer product applications other than inclusion in a firearm suppressor. The term includes a spring, screw, nut, and pin.

(4) "Manufacture" includes forging, casting, machining, or another process for working a material.

Added by Acts 2021, 87th Leg., R.S., Ch. 642 (H.B. 957), Sec. 1, eff. September 1, 2021.

SUBCHAPTER B. INTRASTATE MANUFACTURE OF FIREARM SUPPRESSOR

Sec. 2.051. MEANING OF "MANUFACTURED IN THIS STATE."

(a) For the purposes of this subchapter, a firearm suppressor is manufactured in this state if the item is manufactured:

(1) in this state from basic materials; and

(2) without the inclusion of any part imported from another state other than a generic and insignificant part.

(b) For the purposes of this subchapter, a firearm suppressor is manufactured in this state if it is manufactured as described by Subsection (a) without regard to whether a firearm imported into this state from another state is attached to or used in conjunction with the suppressor.

Added by Acts 2021, 87th Leg., R.S., Ch. 642 (H.B. 957), Sec. 1, eff. September 1, 2021.

Sec. 2.052. NOT SUBJECT TO FEDERAL REGULATION. (a) A

firearm suppressor that is manufactured in this state and remains in this state is not subject to federal law or federal regulation, including registration, under the authority of the United States Congress to regulate interstate commerce.

(b) A basic material from which a firearm suppressor is manufactured in this state, including unmachined steel, is not a firearm suppressor and is not subject to federal regulation under the authority of the United States Congress to regulate interstate commerce as if it actually were a firearm suppressor.

Added by Acts 2021, 87th Leg., R.S., Ch. 642 (H.B. 957), Sec. 1, eff. September 1, 2021.

Sec. 2.053. MARKETING OF FIREARM SUPPRESSOR. A firearm suppressor manufactured and sold in this state must have the words "Made in Texas" clearly stamped on it.

Added by Acts 2021, 87th Leg., R.S., Ch. 642 (H.B. 957), Sec. 1, eff. September 1, 2021.

Sec. 2.054. ATTORNEY GENERAL. On written notification to the attorney general by a United States citizen who resides in this state of the citizen's intent to manufacture a firearm suppressor to which Section 2.052 applies, the attorney general shall seek a declaratory judgment from a federal district court in this state that Section 2.052 is consistent with the United States Constitution.

Added by Acts 2021, 87th Leg., R.S., Ch. 642 (H.B. 957), Sec. 1, eff. September 1, 2021.

SUBCHAPTER C. ENFORCEMENT OF CERTAIN FEDERAL FIREARMS LAWS PROHIBITED

Sec. 2.101. APPLICABILITY. This subchapter 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.

Added by Acts 2021, 87th Leg., R.S., Ch. 642 (H.B. 957), Sec. 1, eff. September 1, 2021.

Sec. 2.102. STATE AND LOCAL GOVERNMENT POLICY REGARDING ENFORCEMENT OF FEDERAL FIREARM LAWS. (a) An entity described by Section 2.101 may not adopt a rule, order, ordinance, or policy under which the entity enforces, or by consistent action allows the enforcement of, a federal statute, order, rule, or regulation that purports to regulate a firearm suppressor if the statute, order, rule, or regulation imposes a prohibition, restriction, or other regulation that does not exist under the laws of this state.

(b) No entity described by Section 2.101 and no person employed by or otherwise under the direction or control of the entity may enforce or attempt to enforce any federal statute, order, rule, or regulation described by Subsection (a).

Added by Acts 2021, 87th Leg., R.S., Ch. 642 (H.B. 957), Sec. 1, eff. September 1, 2021.

Sec. 2.103. STATE GRANT FUNDS. (a) An entity described by Section 2.101 may not receive state grant funds if the entity adopts a rule, order, ordinance, or policy under which the entity enforces a federal law described by Section 2.102(a) or, by consistent action, allows the enforcement of a federal law described by Section 2.102(a).

(b) State grant funds for the entity shall be denied for the fiscal year following the year in which a final judicial determination in an action brought under this subchapter is made that the entity has violated Section 2.102(a).

Added by Acts 2021, 87th Leg., R.S., Ch. 642 (H.B. 957), Sec. 1, eff. September 1, 2021.

Sec. 2.104. ENFORCEMENT. (a) Any citizen residing in the jurisdiction of an entity described by Section 2.101 may file a complaint with the attorney general if the citizen offers evidence to support an allegation that the entity has adopted a rule, order, ordinance, or policy under which the entity enforces a federal law described by Section 2.102(a) or that the entity, by consistent action, allows the enforcement of a federal law described by Section 2.102(a). The citizen must include with the complaint any evidence the citizen has in support of the complaint.

(b) If the attorney general determines that a complaint filed under Subsection (a) against an entity described by Section 2.101 is valid, to compel the entity's compliance with this subchapter the attorney general may 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 entity is located. The attorney general may recover reasonable expenses incurred obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

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

Added by Acts 2021, 87th Leg., R.S., Ch. 642 (H.B. 957), Sec. 1, eff. September 1, 2021.