

BILL ANALYSIS

H.B. 131
By: Krause
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that a firearm, firearm accessory, or ammunition manufactured and maintained in Texas should not be subject to federal laws or federal regulations. H.B. 131 seeks to provide for an exemption for these items from federal laws or regulations.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 131 amends the Business & Commerce Code to specify that a firearm, a firearm accessory, or ammunition that is manufactured in and remains in Texas is not subject to federal law or federal regulation, including registration, under the authority of the United States Congress to regulate interstate commerce. The bill further specifies that a basic material from which a firearm, a firearm accessory, or ammunition is manufactured in Texas, including unmachined steel and unshaped wood, is not a firearm, a firearm accessory, or ammunition 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, a firearm accessory, or ammunition.

H.B. 131 establishes that, for purposes of the bill's provisions, a firearm, a firearm accessory, or ammunition is manufactured in Texas if the item is manufactured in Texas from basic materials and without the inclusion of any part imported from another state other than a generic and insignificant part and also specifies that a firearm is manufactured in Texas if the item is manufactured in such a manner without regard to whether a firearm accessory imported into Texas from another state is attached to or used in conjunction with it. The bill defines, among other terms, "generic and insignificant part" as an item that has manufacturing or consumer product applications other than inclusion in a firearm, a firearm accessory, or ammunition.

H.B. 131 excludes from the applicability of its provisions a firearm that cannot be carried and used by one person; a firearm that has a bore diameter greater than 1.5 inches and that uses smokeless powder and not black powder as a propellant; ammunition with a projectile that explodes using an explosion of chemical energy after the projectile leaves the firearm; and any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

H.B. 131 requires a firearm manufactured and sold in Texas to have the words "Made in Texas"

clearly stamped on a central metallic part, such as the receiver or frame. The bill requires the attorney general, on written notification by a United States citizen who resides in Texas of the citizen's intent to manufacture a firearm, a firearm accessory, or ammunition to which the bill applies, to seek a declaratory judgment from a federal district court in Texas that the bill's provisions are consistent with the United States Constitution.

EFFECTIVE DATE

September 1, 2017.