

SUBJECT: Attorney general injunctions against municipalities regulating firearms

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 8 ayes — Cook, Craddick, Frullo, Geren, Harless, Hilderbran, Huberty, Smithee

2 nays — Giddings, Farrar

3 absent — Menéndez, Oliveira, Sylvester Turner

SENATE VOTE: On final passage, April 4 — 24-6 (Ellis, Garcia, Lucio, Watson, West, Whitmire)

WITNESSES: (*On companion bill, HB 2860*)
For — (*Registered but did not testify*: Brent Connett, Texas Conservative Coalition; Marissa Patton, Texas Southwestern Cattle Raisers Association; Dennis Scharp, North Texas Citizen’s Lobby)

Against — None

On — David Mattax, Office of the Attorney General

BACKGROUND: Local Government Code, secd. 229.001(a) and 236.002 prevent a municipality from adopting regulations relating to the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, ammunition, or firearm supplies, or the discharge of a firearm at a sport shooting range, other than an outdoor sport shooting range.

DIGEST: SB 987 would allow the attorney general to obtain an injunction against a municipality that violated the Local Government Code related to the regulation of firearms or the discharge of firearms at a sport shooting range, other than an outdoor sport shooting range.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS
SAY:**

SB 987 would give the attorney general the authority to ensure that Texans' firearm rights could not be infringed upon by counties overstepping their regulatory authority.

Currently, municipalities in Texas may not adopt regulations that would interfere with the ownership, transfer, possession, transport, or licensing of firearms, ammunition, or firearm supplies. However, there are instances of counties disregarding state law by attempting to regulate firearms in various ways. For example, Travis County recently debated a proposal that would have banned gun shows from county facilities — in direct violation of state law. Texans should not have to worry about rogue municipalities that neglect state law. This bill would only apply if a municipality or county disregarded, and therefore broke, state law.

A private citizen can sue the county if it attempted to regulate firearms in a specifically prohibited way, but individuals may not have the resources to pursue legal action. This bill would simply allow the attorney general to step in and protect the rights of Texas citizens in counties that were in violation of the Local Government Code.

**OPPONENTS
SAY:**

SB 987 would be a solution in search of a problem. Municipalities generally know what they can and cannot regulate with regard to firearms, and it is not necessary to create a new authority for the attorney general.

NOTES:

The companion bill, HB 2860 by Harless, was left pending in the State Affairs Committee following a public hearing on April 3.