



REPRESENTATIVE MATT KRAUSE

— District 93 • Tarrant County —

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REPRESENTATIVE MATT KRAUSE FILES "COME AND TAKE IT" FIREARM PROTECTION BILL

AUSTIN, TEXAS - Yesterday, State Representative Matt Krause (R-Fort Worth) filed H.B. 928, which deals with the enforcement of federal firearm regulations by Texas state and local law enforcement agents. H.B. 928 is different from any other bill protecting Texas gun owners that has been proposed in the State Legislature thus far this session, as it creates a legal framework for state-directed cooperation, or noncooperation, putting Texas in control of the issue.

H.B. 928 prevents our state resources from being used for the purpose of enforcing federal regulations on firearms. Simply put, if passed: No state/local law enforcement agency/officer may be deputized for the express purpose of enforcing a federal firearm regulation, and no state/local law enforcement agency/officer may aid a federal agency/officer in the enforcement of a federal firearm regulation that does not *also exist* in Texas law (i.e. bans on cosmetic features, magazine limitations, outright prohibitions, etc.). Texas is a large state, with millions of law-abiding gun owners. The federal government cannot possibly enforce intrusive regulations without the aid of the state. H.B. 928 will deny them that aid.

"As a constitutional attorney, I have spent a great deal of time considering the best options for the state legislature to pursue in order to protect Texas gun owners," said Rep. Matt Krause. "If passed, H.B. 928 would become state law which directs state resources on state conduct, and as such is beyond the scope of a federal court challenge. It both recognizes federal authority to enforce federal regulations, while also asserting Texas' sovereignty and power to cooperate, or not cooperate, with the federal government where it can within the rule of law."

The idea behind this bill arose from the works of **Mario Loyola**, Director of the Center for Tenth Amendment Studies with the Texas Public Policy Foundation. He has written extensively on federalism, state/federal cooperation and coercion, and how state legislators can best protect the 2nd Amendment rights of their citizens. In his article *States and the Gun-Control Fight*, Mario Loyola writes:





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"We know that federal law cannot require state agencies to participate in a federal program. We know that because the Supreme Court's most important federalism case of the last 30 years – [Printz v. United States](#) (1997) – tells us that the federal government can't command the states to do anything. In fact, Printz struck down a part of the Brady Act that required state officials to process background checks on prospective gun purchasers. The Court ruled that this offended 'the structural framework of dual sovereignty.' In a classic opinion by Justice Antonin Scalia, the Court observed, 'The power of the Federal Government would be augmented immeasurably if it were able to impress into its service—and at no cost to itself—the police officers of the 50 States.'"

"H.B. 928 ensures that Texas leads on the 2nd Amendment and our resources are not utilized by the federal government to infringe upon the rights of our citizens," said Rep. Matt Krause. "If they want to, they can come and take it, but we will not help them in any way."

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