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Texas bill would block Obama's executive actions on guns

Posted By [Patrick Howley](#) On 6:47 PM 01/16/2013 @ 6:47 PM In [DC Exclusives - Original Reporting, Politics](#) | [No Comments](#)

Texas Republican legislators [introduced a bill](#) in the state House Wednesday to render President Barack Obama's gun control mandates null and void in the state of Texas.

H.B. No. 553, The Second Amendment Protection Act, was introduced by Rep. John Otto and co-sponsored by fellow Republican representatives Jim Pitts and Drew Darby.

The bill finds President Obama's newly introduced gun policies unconstitutional, though established constitutional law indicates that the bill may be more symbolic than practical.

Obama introduced his plan to prevent gun violence at a Wednesday press conference. The plan includes a federal assault weapons ban, a high-capacity magazine ban and 23 executive actions.

Otto's bill would make the executive actions invalid in the state of Texas.

"The Tenth Amendment to the United States Constitution provides: 'The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people,'" according to the bill.

"The Second Amendment to the United States Constitution provides: 'A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed,'" the bill reads.

The bill concludes that President Obama's federal gun control policies should not be recognized in the state of Texas.

"That all federal acts, laws, executive orders, agency orders, and rules or regulations of all kinds with the purpose, intent, or effect of confiscating any firearm, banning any firearm, limiting the size of a magazine for any firearm, imposing any limit on the ammunition that may be purchased for any firearm, taxing any firearm or ammunition therefore, or requiring the registration of any firearm or ammunition therefore, infringes upon Texan's right to bear arms in direct violation of the Second Amendment to the Constitution of the United States. Therefore, any such law is not made in pursuance of the Constitution, is not authorized by the Constitution, and thus, is not the supreme law of the land, and consequently, is invalid in this State and shall be further considered null and void and of no effect in this State."

If the bill receives the support of 2/3 of the members of both houses of the Texas legislature, it will take effect immediately.

However, a constitutional provision known as the [Supremacy Clause](#) holds that federal laws, whether passed through Congress or made through a properly authorized executive order, "shall be the supreme law of the land."

"A state cannot pass a statute that blocks enforcement of an otherwise enforceable federal law," [according to](#) Stanford University law professor Jeffrey Fisher.

Nevertheless, the bill proves that some state lawmakers are willing to fight Obama's gun control policies in what will likely be a contentious start to the president's second term.

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