

By: Creighton, et al.

S.B. No. 18

A BILL TO BE ENTITLED

AN ACT

1
2 relating to authority of the governor and certain political
3 subdivisions to regulate firearms, ammunition, knives, air guns,
4 explosives, and combustibles and certain associated businesses
5 during certain disasters and emergencies.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 418.003, Government Code, is amended to
8 read as follows:

9 Sec. 418.003. LIMITATIONS. This chapter does not:

10 (1) limit the governor's authority to apply for,
11 administer, or expend any grant, gift, or payment in aid of disaster
12 mitigation, preparedness, response, or recovery;

13 (2) interfere with the course or conduct of a labor
14 dispute, except that actions otherwise authorized by this chapter
15 or other laws may be taken when necessary to forestall or mitigate
16 imminent or existing danger to public health or safety;

17 (3) interfere with dissemination of news or comment on
18 public affairs, but any communications facility or organization,
19 including radio and television stations, wire services, and
20 newspapers, may be required to transmit or print public service
21 messages furnishing information or instructions in connection with
22 a disaster or potential disaster;

23 (4) affect the jurisdiction or responsibilities of
24 police forces, fire-fighting forces, units of the armed forces of

1 the United States, or of any of their personnel when on active duty,
2 but state, local, and interjurisdictional emergency management
3 plans shall place reliance on the forces available for performance
4 of functions related to disasters;

5 (5) except as provided by Section 418.184, authorize
6 the seizure or confiscation of any firearm or ammunition from an
7 individual who is lawfully carrying or possessing the firearm or
8 ammunition; ~~[or]~~

9 (6) limit, modify, or abridge the authority of the
10 governor to proclaim martial law or exercise any other powers
11 vested in the governor under the constitution or laws of this state
12 independent of or in conjunction with any provisions of this
13 chapter; or

14 (7) authorize any person to prohibit or restrict the
15 business or operations of a firearms or ammunition manufacturer,
16 distributor, wholesaler, supplier, or retailer or a sport shooting
17 range, as defined by Section 250.001, Local Government Code, in
18 connection with a disaster.

19 SECTION 2. Section 418.019, Government Code, is amended to
20 read as follows:

21 Sec. 418.019. RESTRICTED SALE AND TRANSPORTATION OF
22 MATERIALS. The governor may suspend or limit the sale, dispensing,
23 or transportation of alcoholic beverages, ~~[firearms,~~ explosives,
24 and combustibles, other than explosives or combustibles that are
25 components of firearm ammunition.

26 SECTION 3. Section 433.002(b), Government Code, is amended
27 to read as follows:

1 (b) The directive may provide for:

2 (1) control of public and private transportation in
3 the affected area;

4 (2) designation of specific zones in the affected area
5 in which, if necessary, the use and occupancy of buildings and
6 vehicles may be controlled;

7 (3) control of the movement of persons;

8 (4) control of places of amusement or assembly;

9 (5) establishment of curfews;

10 (6) control of the sale, transportation, and use of
11 alcoholic beverages [~~, weapons, and ammunition, except as provided~~
12 ~~by Section 433.0045~~]; and

13 (7) control of the storage, use, and transportation of
14 explosives or flammable materials considered dangerous to public
15 safety, other than explosives or flammable materials that are
16 components of firearm ammunition.

17 SECTION 4. Section 433.0045(a), Government Code, is amended
18 to read as follows:

19 (a) A directive issued under this chapter may not:

20 (1) authorize the seizure or confiscation of any
21 firearm or ammunition from an individual who is lawfully carrying
22 or possessing the firearm or ammunition; or

23 (2) prohibit or restrict the business or operations of
24 a firearms or ammunition manufacturer, distributor, wholesaler,
25 supplier, or retailer or a sport shooting range, as defined by
26 Section 250.001, Local Government Code, in connection with a state
27 of emergency.

1 SECTION 5. Sections 229.001(b), (c), (d), and (d-1), Local
2 Government Code, are amended to read as follows:

3 (b) Subsection (a) does not affect the authority a
4 municipality has under another law to:

5 (1) require residents or public employees to be armed
6 for personal or national defense, law enforcement, or another
7 lawful purpose;

8 (2) regulate the discharge of firearms or air guns
9 within the limits of the municipality, other than at a sport
10 shooting range;

11 (3) except as provided by Subsection (b-1), adopt or
12 enforce a generally applicable zoning ordinance, land use
13 regulation, fire code, or business ordinance;

14 (4) ~~[regulate the use of firearms, air guns, or knives~~
15 ~~in the case of an insurrection, riot, or natural disaster if the~~
16 ~~municipality finds the regulations necessary to protect public~~
17 ~~health and safety;~~

18 [~~5~~] regulate the storage or transportation of
19 explosives to protect public health and safety, except that 25
20 pounds or less of black powder for each private residence and 50
21 pounds or less of black powder for each retail dealer are not
22 subject to regulation;

23 (5) (5) [~~6~~] regulate the carrying of a firearm or air
24 gun by a person other than a person licensed to carry a handgun
25 under Subchapter H, Chapter 411, Government Code, at a:

26 (A) public park;

27 (B) public meeting of a municipality, county, or

1 other governmental body;

2 (C) political rally, parade, or official
3 political meeting; or

4 (D) nonfirearms-related school, college, or
5 professional athletic event;

6 (6) [~~(7)~~] regulate the carrying of a firearm by a
7 person licensed to carry a handgun under Subchapter H, Chapter 411,
8 Government Code, in accordance with Section 411.209, Government
9 Code;

10 (7) [~~(8)~~] regulate the hours of operation of a sport
11 shooting range, except that the hours of operation may not be more
12 limited than the least limited hours of operation of any other
13 business in the municipality other than a business permitted or
14 licensed to sell or serve alcoholic beverages for on-premises
15 consumption;

16 (8) [~~(9)~~] regulate the carrying of an air gun by a
17 minor on:

18 (A) public property; or

19 (B) private property without consent of the
20 property owner; or

21 (9) [~~(10)~~] except as provided by Subsection (d-1),
22 regulate or prohibit an employee's carrying or possession of a
23 firearm, firearm accessory, or ammunition in the course of the
24 employee's official duties.

25 (c) The exception provided by Subsection (b)(5) [~~(b)(6)~~]
26 does not apply if the firearm or air gun is in or is carried to or
27 from an area designated for use in a lawful hunting, fishing, or

1 other sporting event and the firearm or air gun is of the type
2 commonly used in the activity.

3 (d) Nothing in this section may be construed to [~~The~~
4 ~~exception provided by Subsection (b)(4) does not~~] authorize the
5 seizure or confiscation of any firearm, air gun, knife, ammunition,
6 or firearm or air gun supplies or accessories from an individual who
7 is lawfully carrying or possessing the firearm, air gun, knife,
8 ammunition, or firearm or air gun supplies or accessories.

9 (d-1) The exception provided by Subsection (b)(9) [~~(b)(10)~~]
10 does not authorize a municipality to regulate an employee's
11 carrying or possession of a firearm in violation of Subchapter G,
12 Chapter 52, Labor Code.

13 SECTION 6. Chapters 418 and 433, Government Code, as
14 amended by this Act, apply only to a declaration of disaster or
15 local disaster or a proclamation of a state of emergency issued or
16 renewed on or after the effective date of this Act. A declaration
17 or proclamation issued before the effective date of this Act is
18 governed by the law in effect immediately before the effective date
19 of this Act, and that law is continued in effect for that purpose.

20 SECTION 7. This Act takes effect September 1, 2021.