

By: West

S.B. No. 2092

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a municipality or county to regulate the locations in which a person may carry a firearm.

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

SECTION 1. Section 229.001, Local Government Code, is amended by amending Subsection (b) and adding Subsection (d-2) to read as follows:

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

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

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

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

(4) regulate the storage or transportation of explosives to protect public health and safety, except that 25 pounds or less of black powder for each private residence and 50 pounds or less of black powder for each retail dealer are not subject to regulation;

(5) regulate the carrying of an air gun or firearm,

1 other than a handgun carried by a person not otherwise prohibited by
2 law from carrying a handgun, at a:

3 (A) public park;

4 (B) public meeting of a municipality, county, or
5 other governmental body;

6 (C) political rally, parade, or official
7 political meeting; or

8 (D) nonfirearms-related school, college, or
9 professional athletic event;

10 (6) regulate the carrying of a firearm by a person
11 licensed to carry a handgun under Subchapter H, Chapter 411,
12 Government Code, in accordance with Section 411.209, Government
13 Code;

14 (7) regulate the hours of operation of a sport
15 shooting range, except that the hours of operation may not be more
16 limited than the least limited hours of operation of any other
17 business in the municipality other than a business permitted or
18 licensed to sell or serve alcoholic beverages for on-premises
19 consumption;

20 (8) regulate the carrying of an air gun by a minor on:

21 (A) public property; or

22 (B) private property without consent of the
23 property owner; ~~or~~

24 (9) except as provided by Subsection (d-1), regulate
25 or prohibit an employee's carrying or possession of a firearm,
26 firearm accessory, or ammunition in the course of the employee's
27 official duties; or

1 (10) except as provided by Subsection (d-2), regulate
2 or prohibit the carrying of a firearm on the premises of a location
3 where activities for children are regularly conducted, including a
4 museum or a child-care or recreational facility.

5 (d-2) Subsection (b)(10) does not authorize a municipality
6 to regulate or prohibit the carrying of a firearm by a person
7 described by Section 46.15(a)(1) or (b)(1), Penal Code, or by a
8 person who is otherwise authorized to carry a firearm under a
9 license or commission issued under Chapter 1702, Occupations Code.

10 SECTION 2. Section 236.002, Local Government Code, is
11 amended by amending Subsection (c) and adding Subsection (e-1) to
12 read as follows:

13 (c) Subsection (a) does not affect the authority of a county
14 to:

15 (1) require a resident or public employee to be armed
16 for personal or national defense, law enforcement, or other purpose
17 under other law;

18 (2) regulate the discharge of firearms or air guns in
19 accordance with Section 235.022;

20 (3) regulate the carrying of a firearm by a person
21 licensed to carry a handgun under Subchapter H, Chapter 411,
22 Government Code, in accordance with Section 411.209, Government
23 Code;

24 (4) except as provided by Subsection (d), adopt or
25 enforce a generally applicable land use regulation, fire code, or
26 business regulation; ~~or~~

27 (5) except as provided by Subsection (e), regulate or

1 prohibit an employee's carrying or possession of a firearm, firearm
2 accessory, or ammunition in the course of the employee's official
3 duties; or

4 (6) except as provided by Subsection (e-1), regulate
5 or prohibit the carrying of a firearm on the premises of a location
6 where activities for children are regularly conducted, including a
7 museum or a child-care or recreational facility.

8 (e-1) Subsection (c)(6) does not authorize a county to
9 regulate or prohibit the carrying of a firearm by a person described
10 by Section 46.15(a)(1) or (b)(1), Penal Code, or by a person who is
11 otherwise authorized to carry a firearm under a license or
12 commission issued under Chapter 1702, Occupations Code.

13 SECTION 3. This Act takes effect September 1, 2023.