

By: Mowery

H.B. No. 1364

A BILL TO BE ENTITLED

AN ACT

relating to municipal regulation of the discharge of firearms and certain other weapons.

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

SECTION 1. Section 251.005(c), Agriculture Code, is amended to read as follows:

(c) A governmental requirement of a city does not apply to any agricultural operation situated outside the corporate boundaries of the city on the effective date of this chapter. If an agricultural operation so situated is subsequently annexed or otherwise brought within the corporate boundaries of the city, the governmental requirements of the city do not apply to the agricultural operation unless the requirement is reasonably necessary to protect persons who reside in the immediate vicinity or persons on public property in the immediate vicinity of the agricultural operation from the danger of explosion, flooding, vermin, insects, physical injury, contagious disease, removal of lateral or subjacent support, contamination of water supplies, radiation, storage of toxic materials, discharge of firearms or other weapons, except as provided by Section 229.002, Local Government Code, or traffic hazards. A governmental requirement may be imposed under this subsection only after the governing body of the city makes findings by resolution that the requirement is necessary to protect public health. Before making findings as to

1 the necessity of the requirement, the governing body of the city
2 must use the services of the city health officer or employ a
3 consultant to prepare a report to identify the health hazards
4 related to agricultural operations and determine the necessity of
5 regulation and manner in which agricultural operations should be
6 regulated.

7 SECTION 2. Chapter 229, Local Government Code, is amended
8 by adding Section 229.002 to read as follows:

9 Sec. 229.002. REGULATION OF DISCHARGE OF WEAPON. A
10 municipality may not apply a regulation relating to the discharge
11 of firearms or other weapons in the extraterritorial jurisdiction
12 of the municipality or in an area annexed by the municipality after
13 September 1, 2005, if the firearm or other weapon is:

14 (1) a shotgun, air rifle or pistol, BB gun, or bow and
15 arrow discharged:

16 (A) on a tract of land of 10 acres or more and
17 more than 150 feet from a residence or occupied building located on
18 another property; and

19 (B) in a manner not reasonably expected to cause
20 a projectile to cross the boundary of the tract; or

21 (2) a center fire or rim fire rifle or pistol of any
22 caliber discharged:

23 (A) on a tract of land of 50 acres or more and
24 more than 300 feet from a residence or occupied building located on
25 another property; and

26 (B) in a manner not reasonably expected to cause
27 a projectile to cross the boundary of the tract.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2005.