

BILL ANALYSIS

C.S.H.B. 258

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Defense Affairs & State-Federal Relations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In the aftermath of Hurricane Katrina when law enforcement resources were stretched thin, many law-abiding Louisiana residents were subject to having their personal firearms confiscated by law enforcement. There is currently no statute or state constitutional provision protecting law-abiding Texas residents from having their firearms confiscated should Texas be subject to a disaster similar in scale to Hurricane Katrina.

CSHB 258 seeks to protect the right to bear arms during a state of disaster or emergency.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSHB 258 amends the Government Code to prohibit the seizure or confiscation of any firearm or ammunition from an individual who is lawfully carrying or possessing the firearm or ammunition, except that a peace officer acting in the lawful execution of the officer's official duties during a state of disaster may disarm an individual who the peace officer believes is a threat to himself or others. It requires the peace officer to return the firearm and ammunition unless the individual is arrested or the firearm is seized as evidence in a criminal investigation. The bill amends the Government Code to provide the same protection during a state of emergency as during a state of disaster. Further, the bill amends the Local Government Code to clarify that during insurrection, riots or natural disasters, local governments do not have the authority to confiscate firearms or ammunitions from an individual who is lawfully carrying or possessing them.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 258 differs from the introduced version to require that an individual who is disarmed by a peace officer acting in the officer's official duties have both firearm and ammunition returned, not just firearm. Further, the substitute amends the Government Code to provide the same protection during a state of emergency as during a state of disaster.