

BILL ANALYSIS

C.S.S.B. 1742
By: Shapiro
Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Landowners whose land was annexed after September 1, 1981, are currently authorized to use such land for hunting purposes. Resultantly, landowners with large tracts of land are able to discharge firearms and to lease their land for hunting purposes, while making concessions for public safety. In suburban areas experiencing rapid annexation, a case may arise in which a large tract of land is located next to a hospital, park, school, or residential area. In such a case, there is concern among both residents and local law enforcement officials with regard to firearms being discharged in close proximity to these locations. The bill seeks to regulate the discharge of a weapon that apply only to areas in Collin County.

C.S.S.B. 1742 relates to the municipal regulation of the discharge of certain weapons in certain municipalities.

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

C.S.S.B. 1742 amends the Local Government Code to add provisions relating to the regulation of the discharge of a weapon by certain municipalities, and makes such provisions applicable only to a municipality located wholly or partly in a county with a population of 450,000 or more, in which all or part of a municipality with a population of one million or more is located, and that is located adjacent to a county with a population of two million or more. The bill prohibits a municipality, except as otherwise provided, from applying a regulation relating to the discharge of firearms or other weapons in the extraterritorial jurisdiction of the municipality or in an area annexed by the municipality after September 1, 1981, if the firearm or other weapon is:

- a shotgun, air rifle or pistol, BB gun, or bow and arrow discharged on a tract of land of 10 acres or more and more than 1,500 feet from a residence or occupied building located on another property; from the property line of a public tract of land, generally accessible by the public, that is routinely used for organized sporting or recreational activities or that has permanent recreational facilities or equipment; from the property line of a residential subdivision; and from the property line of a multifamily residential complex; and if the weapon is discharged in a manner not reasonably expected to cause a projectile to cross the boundary of the tract;
- a center fire or rim fire rifle or pistol of any caliber discharged on a tract of land of 50 acres or more and more than 1,500 feet from a residence or occupied building located on another property; from the property line of a public tract of land, generally accessible by the public, that is routinely used for organized sporting or recreational activities or that has permanent recreational facilities or equipment; from the property line of a residential subdivision; and from the property line of a multifamily residential complex; and if the weapon is discharged in a manner not reasonably expected to cause a projectile to cross

the boundary of the tract; or

- discharged at a sport shooting range in a manner not reasonably expected to cause a projectile to cross the boundary of a tract of land.

C.S.S.B 1742 authorizes a municipality to adopt and enforce a regulation prohibiting or restricting excessive noise from the discharge of a firearm in the extraterritorial jurisdiction of the municipality or in an area annexed by the municipality after September 1, 1981.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 1742 differs from the original by adding new language in the Local Government Code relating to the regulation of the discharge of a weapon by certain municipalities, rather than amending existing statute to modify the conditions of the prohibition against a municipality regulating the discharge of a weapon as in the original. The substitute adds provisions not included in the original making the bill's provisions applicable only to certain municipalities. The substitute removes provisions included in the original creating a Class C misdemeanor offense for a person who knowingly discharges a firearm and the projectile from the firearm travels across a property line of property that is located in the extraterritorial jurisdiction of a municipality, and establishing a defense to prosecution for such an offense.