

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1742
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Intergovernmental Relations
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Landowners who had their land annexed after September 1, 1981, are currently authorized to use their land for hunting purposes. This change to the law allows landowners with large tracts of land to discharge firearms and to lease their land for hunting purposes, while making concessions for public safety.

In areas that are being rapidly annexed and in suburbs, there are cases in which large tracts of land are located next to hospitals, parks, schools, and residential areas. In these cases, there is concern among both residents and local law enforcement officials with regard to firearms being discharged in close proximity to these locations.

C.S.S.B. 1742 expands the area in which a municipality may apply a regulation relating to the discharge of certain weapons to include certain areas around public sporting or recreational area, an occupied building, or a residence.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 229.002, Local Government Code, as follows:

Sec. 229.002. REGULATION OF DISCHARGE OF WEAPON. (a) Prohibits a municipality, except as provided by Subsection (b), 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:

(1) 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, rather than 150 feet, from a residence or an occupied building, located on another property; 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; the property line of a residential subdivision; and the property line of a multifamily residential complex and in a manner not reasonably expected to cause a projectile to cross the boundary of the tract;

(2) a center fire or rim fire rifle or pistol of any caliber discharged on a tract of land 50 acres or more and more than 1,500, rather than 300, feet from a residence or an occupied building, located on another property; 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; the property line of a residential subdivision; and the property line of a multifamily residential complex; and in a manner not reasonably expected to cause a projectile to cross the boundary of the tract; or

(3) discharged at a sport shooting range, as defined by Section 250.001 (Restriction on Regulation of Sport Shooting Ranges), in a manner not reasonably expected to cause a projectile to cross the boundary of a tract of land.

(b) 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.

SECTION 2. Amends Chapter 229, Local Government Code, by adding Section 229.003, as follows:

Sec. 229.003. DISCHARGE OF FIREARM ACROSS PROPERTY LINE; CRIMINAL PENALTY. (a) Defines "firearm."

(b) Provides that a person commits an offense if the person 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.

(c) Provides that an offense under this section is a Class C misdemeanor. Provides that it is a defense to prosecution under this section that the person owns the property on both sides of each property line crossed by the projectile or has a written agreement with any person who owns property on either side of each property line crossed by the projectile that allows the person to discharge a firearm on, over, or across the property or property line.

(d) Requires that the written agreement required under Subsection (c)(2) contain the name of the person allowed to discharge the firearm, identify the property on either side of the property line crossed by the projectile, and be signed by any person who owns the property on either side of the property line crossed by the projectile.

(e) Provides that if conduct constituting an offense under this section constitutes an offense under a section of the Penal Code, the person may be prosecuted under either section or both sections.

SECTION 3. Effective date: upon passage or September 1, 2009.