

By: Shapiro, Nelson

S.B. No. 1742

Substitute the following for S.B. No. 1742:

By: Merritt

C.S.S.B. No. 1742

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation of the discharge of firearms and certain
3 other weapons by certain municipalities; providing a criminal
4 penalty.

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

6 SECTION 1. Chapter 229, Local Government Code, is amended
7 by adding Section 229.003 to read as follows:

8 Sec. 229.003. REGULATION OF DISCHARGE OF WEAPON BY CERTAIN
9 MUNICIPALITIES. (a) This section applies only to a municipality
10 located wholly or partly in a county:

11 (1) with a population of 450,000 or more;

12 (2) in which all or part of a municipality with a
13 population of one million or more is located; and

14 (3) that is located adjacent to a county with a
15 population of two million or more.

16 (b) Notwithstanding Section 229.002 and except as provided
17 by Subsection (c), a municipality may not apply a regulation
18 relating to the discharge of firearms or other weapons in the
19 extraterritorial jurisdiction of the municipality or in an area
20 annexed by the municipality after September 1, 1981, if the firearm
21 or other weapon is:

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

24 (A) on a tract of land of 10 acres or more and

1 more than 1,500 feet from:

2 (i) a residence or occupied building
3 located on another property;

4 (ii) the property line of a public tract of
5 land, generally accessible by the public, that is routinely used
6 for organized sporting or recreational activities or that has
7 permanent recreational facilities or equipment;

8 (iii) the property line of a residential
9 subdivision; and

10 (iv) the property line of a multifamily
11 residential complex; and

12 (B) in a manner not reasonably expected to cause
13 a projectile to cross the boundary of the tract;

14 (2) a center fire or rim fire rifle or pistol of any
15 caliber discharged:

16 (A) on a tract of land of 50 acres or more and
17 more than 1,500 feet from:

18 (i) a residence or occupied building
19 located on another property;

20 (ii) the property line of a public tract of
21 land, generally accessible by the public, that is routinely used
22 for organized sporting or recreational activities or that has
23 permanent recreational facilities or equipment;

24 (iii) the property line of a residential
25 subdivision; and

26 (iv) the property line of a multifamily
27 residential complex; and

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

3 (3) discharged at a sport shooting range, as defined
4 by Section 250.001, in a manner not reasonably expected to cause a
5 projectile to cross the boundary of a tract of land.

6 (c) A municipality may adopt and enforce a regulation
7 prohibiting or restricting excessive noise from the discharge of a
8 firearm in the extraterritorial jurisdiction of the municipality or
9 in an area annexed by the municipality after September 1, 1981.

10 SECTION 2. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2009.