

Suspending limitations on conference committee
jurisdiction, S.B. No. 1742 (Shapiro/Paxton)

By: Shapiro

S.R. No. 1077

R E S O L U T I O N

1 BE IT RESOLVED by the Senate of the State of Texas, 81st
2 Legislature, Regular Session, 2009, That Senate Rule 12.03 be
3 suspended in part as provided by Senate Rule 12.08 to enable the
4 conference committee appointed to resolve the differences on Senate
5 Bill 1742 (the regulation of the discharge of firearms and certain
6 other weapons by certain municipalities) to consider and take
7 action on the following matters:

8 (1) Senate Rules 12.03(1), (2), and (3) are suspended to
9 permit the committee to change text not in disagreement and to add
10 text in proposed Sections 229.003(b)(1) and (2), Local Government
11 Code, so that the subdivisions read as follows:

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

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

15 (i) more than 1,000 feet from:

16 (a) the property line of a public
17 tract of land, generally accessible by the public, that is
18 routinely used for organized sporting or recreational activities or
19 that has permanent recreational facilities or equipment; and

20 (b) the property line of a school,
21 hospital, or commercial day-care facility;

22 (ii) more than 600 feet from:

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

1 (b) the property line of a multifamily
2 residential complex; and

3 (iii) more than 150 feet from a residence or
4 occupied building located on another property; and

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

7 (2) a center fire or rim fire rifle or pistol of any
8 caliber discharged:

9 (A) on a tract of land of 50 acres or more and:

10 (i) more than 1,000 feet from:

11 (a) the property line of a public
12 tract of land, generally accessible by the public, that is
13 routinely used for organized sporting or recreational activities or
14 that has permanent recreational facilities or equipment; and

15 (b) the property line of a school,
16 hospital, or commercial day-care facility;

17 (ii) more than 600 feet from:

18 (a) the property line of a residential
19 subdivision; and

20 (b) the property line of a multifamily
21 residential complex; and

22 (iii) more than 300 feet from a residence or
23 occupied building located on another property; and

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

26 Explanation: The changes in text are necessary to limit the
27 areas in which certain municipalities can regulate the discharge of

1 certain weapons. The additions are necessary to include the areas
2 around schools, hospitals, and commercial day-care facilities in
3 the areas in which certain municipalities can regulate the
4 discharge of certain weapons.

5 (2) Senate Rule 12.03(2) is suspended to permit the
6 committee to omit text not in disagreement in proposed Section
7 229.003(c), Local Government Code, in the house version of the bill
8 and in proposed Section 229.002(b), Local Government Code, in the
9 senate version of the bill, that reads as follows:

10 A municipality may adopt and enforce a regulation prohibiting
11 or restricting excessive noise from the discharge of a firearm in
12 the extraterritorial jurisdiction of the municipality or in an area
13 annexed by the municipality after September 1, 1981.

14 Explanation: This omission is necessary so that the Act does
15 not permit certain municipalities to adopt and enforce a regulation
16 prohibiting or restricting excessive noise from the discharge of a
17 firearm in certain areas.