

BILL ANALYSIS

H.B. 1299
By: Stickland
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that over the years many local governments have enacted laws banning the possession, use, and manufacture of certain types of knives, creating a situation where the knife laws change from one community to the next. Those parties further note a knife that is legal to possess in one town may be a serious crime to possess in the next town, which results in an unreasonable patchwork of laws that are hard to enforce and difficult for the average citizen to understand. H.B. 1299 seeks to address this issue by making the state the sole authority on knife, electric stun gun, and personal defense spray law and preempting the further passage of such local laws.

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

H.B. 1299 amends the Local Government Code to prohibit a municipality from adopting or enforcing an ordinance or other regulation relating to the private ownership, keeping, carrying, transportation, licensing, or registration of an electric stun gun, a knife, or a personal defense spray. The bill specifies that this prohibition does not affect the authority of a municipality to enforce statutory provisions regarding the unlawful carrying of a weapon, possessing a weapon in places where weapons are prohibited, or engaging in certain activities involving a prohibited weapon or affect the authority of a municipality to adopt or enforce an ordinance or other regulation prohibiting a person, for purposes of entering a restricted area, from carrying an electric stun gun, a knife, or a personal defense spray past a metal detector or magnetometer used to screen for weapons.

EFFECTIVE DATE

September 1, 2013.