

1-1 By: Lucio III (Senate Sponsor - Hinojosa) H.B. No. 1813
 1-2 (In the Senate - Received from the House May 8, 2013;
 1-3 May 9, 2013, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 16, 2013, reported favorably by
 1-5 the following vote: Yeas 4, Nays 0; May 16, 2013, sent to
 1-6 printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Hinojosa	X			
1-9 Nichols	X			
1-10 Garcia	X			
1-11 Paxton	X			
1-12 Taylor			X	

1-14 A BILL TO BE ENTITLED
 1-15 AN ACT

1-16 relating to the authority of a municipality to confiscate packaged
 1-17 fireworks; providing an affirmative defense for possessing
 1-18 fireworks in certain circumstances.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 342.003, Local Government Code, is
 1-21 amended by adding Subsection (c) to read as follows:

1-22 (c) Subsection (a)(8) does not authorize a municipality to
 1-23 confiscate packaged, unopened fireworks.

1-24 SECTION 2. Subchapter B, Chapter 342, Local Government
 1-25 Code, is amended by adding Section 342.013 to read as follows:

1-26 Sec. 342.013. CONFISCATION OF CERTAIN FIREWORKS
 1-27 PROHIBITED; AFFIRMATIVE DEFENSE. (a) A home-rule municipality that
 1-28 regulates fireworks may not confiscate packaged, unopened
 1-29 fireworks.

1-30 (b) It is an affirmative defense to prosecution for
 1-31 possession of fireworks brought under a municipal ordinance that:

1-32 (1) the defendant was operating or was a passenger in a
 1-33 motor vehicle that was being operated in a public place; and

1-34 (2) the fireworks were not in the passenger area of the
 1-35 vehicle.

1-36 (c) For purposes of Subsection (b), the "passenger area" of
 1-37 a motor vehicle means the area of the vehicle designed for the
 1-38 seating of the operator and the passengers of the vehicle. The term
 1-39 does not include:

1-40 (1) a locked glove compartment or similar locked
 1-41 storage area;

1-42 (2) the trunk of a vehicle; or

1-43 (3) the area behind the last upright seat of a vehicle
 1-44 that does not have a trunk.

1-45 SECTION 3. This Act takes effect immediately if it receives
 1-46 a vote of two-thirds of all the members elected to each house, as
 1-47 provided by Section 39, Article III, Texas Constitution. If this
 1-48 Act does not receive the vote necessary for immediate effect, this
 1-49 Act takes effect September 1, 2013.

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