

By: Estes

S.B. No. 1400

A BILL TO BE ENTITLED

AN ACT

relating to the municipal and county regulation of air guns.

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

SECTION 1. Section 229.001, Local Government Code, is amended to read as follows:

Sec. 229.001. FIREARMS; AIR GUNS; EXPLOSIVES.

(a) Notwithstanding any other law, including Section 43.002 of this code and Chapter 251, Agriculture Code, a municipality may not adopt regulations relating to:

(1) the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, air guns, ammunition, or firearm or air gun supplies; or

(2) the discharge of a firearm or air gun at a sport shooting range.

(b) Subsection (a) does not affect the authority a municipality has under another law to:

(1) require residents or public employees to be armed for personal or national defense, law enforcement, or another lawful purpose;

(2) regulate the discharge of firearms or air guns within the limits of the municipality, other than at a sport shooting range;

(3) regulate the use of property, the location of a business, or uses at a business under the municipality's fire code,

1 zoning ordinance, or land-use regulations as long as the code,
2 ordinance, or regulations are not used to circumvent the intent of
3 Subsection (a) or Subdivision (5) of this subsection;

4 (4) regulate the use of firearms or air guns in the
5 case of an insurrection, riot, or natural disaster if the
6 municipality finds the regulations necessary to protect public
7 health and safety;

8 (5) regulate the storage or transportation of
9 explosives to protect public health and safety, except that 25
10 pounds or less of black powder for each private residence and 50
11 pounds or less of black powder for each retail dealer are not
12 subject to regulation;

13 (6) regulate the carrying of a firearm or air gun by a
14 person other than a person licensed to carry a concealed handgun
15 under Subchapter H, Chapter 411, Government Code, at a:

16 (A) public park;

17 (B) public meeting of a municipality, county, or
18 other governmental body;

19 (C) political rally, parade, or official
20 political meeting; or

21 (D) nonfirearms-related school, college, or
22 professional athletic event; [~~or~~]

23 (7) regulate the hours of operation of a sport
24 shooting range, except that the hours of operation may not be more
25 limited than the least limited hours of operation of any other
26 business in the municipality other than a business permitted or
27 licensed to sell or serve alcoholic beverages for on-premises

1 consumption; or

2 (8) regulate the carrying of an air gun by a minor on:

3 (A) public property; or

4 (B) private property without consent of the
5 property owner.

6 (c) The exception provided by Subsection (b)(6) does not
7 apply if the firearm or air gun is in or is carried to or from an
8 area designated for use in a lawful hunting, fishing, or other
9 sporting event and the firearm or air gun is of the type commonly
10 used in the activity.

11 (d) The exception provided by Subsection (b)(4) does not
12 authorize the seizure or confiscation of any firearm, air gun, or
13 ammunition from an individual who is lawfully carrying or
14 possessing the firearm, air gun, or ammunition.

15 (e) In this section:

16 (1) "Air gun" means any gun that discharges a pellet,
17 BB, or paintball by means of compressed air, gas propellant, or a
18 spring.

19 (2) "Sport[~~, "sport~~] shooting range" has the meaning
20 assigned by Section 250.001.

21 SECTION 2. Subchapter B, Chapter 235, Local Government
22 Code, is amended by adding Section 235.020 to read as follows:

23 Sec. 235.020. DEFINITION. In this subchapter, "air gun"
24 has the meaning assigned by Section 229.001.

25 SECTION 3. Section 235.022, Local Government Code, is
26 amended to read as follows:

27 Sec. 235.022. AUTHORITY TO REGULATE. To promote the public

1 safety, the commissioners court of a county by order may prohibit or
2 otherwise regulate the discharge of firearms and air guns on lots
3 that are 10 acres or smaller and are located in the unincorporated
4 area of the county in a subdivision.

5 SECTION 4. Section 235.023, Local Government Code, is
6 amended to read as follows:

7 Sec. 235.023. PROHIBITED REGULATIONS. This subchapter does
8 not authorize the commissioners court to regulate the transfer,
9 ownership, possession, or transportation of firearms or air guns
10 and does not authorize the court to require the registration of
11 firearms or air guns.

12 SECTION 5. Section 236.001, Local Government Code, is
13 amended to read as follows:

14 Sec. 236.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

15 (1) "Air gun" has the meaning assigned by Section
16 229.001.

17 (2) "Sport[~~, "sport~~] shooting range" has the meaning
18 assigned by Section 250.001.

19 SECTION 6. Section 236.002, Local Government Code, is
20 amended to read as follows:

21 Sec. 236.002. FIREARMS; AIR GUNS; SPORT SHOOTING RANGE.
22 Notwithstanding any other law, including Chapter 251, Agriculture
23 Code, a county may not adopt regulations relating to:

24 (1) the transfer, private ownership, keeping,
25 transportation, licensing, or registration of firearms, air guns,
26 ammunition, or firearm or air gun supplies; or

27 (2) the discharge of a firearm or air gun at a sport

1 shooting range.

2 SECTION 7. Section 236.003, Local Government Code, is
3 amended to read as follows:

4 Sec. 236.003. REGULATION OF OUTDOOR SPORT SHOOTING RANGE.
5 Notwithstanding Section 236.002, a county may regulate the
6 discharge of a firearm or air gun at an outdoor sport shooting range
7 as provided by Subchapter B, Chapter 235.

8 SECTION 8. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2013.