

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 43.002(d), Local Government Code, is amended to read as follows:

(d) A regulation relating to the discharge of firearms or other weapons is subject to the restrictions in Subchapter A, Chapter 229 [~~Section 229.002~~].

SECTION 2. Section 229.001(e), Local Government Code, is amended to read as follows:

(e) In this section:

(1) "Firearm" does not include an air gun as defined by Section 229.005.

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

SECTION 3. Section 229.002, Local Government Code, is amended to read as follows:

Sec. 229.002. REGULATION OF DISCHARGE OF WEAPON. A municipality may not apply a regulation relating to the discharge of firearms or other weapons in the extraterritorial jurisdiction of the municipality or in an area annexed by the municipality after September 1, 1981, if the firearm or other weapon is:

(1) a shotgun [~~,"air rifle or pistol, BB gun,~~] or bow and arrow discharged:

1 (A) on a tract of land of 10 acres or more and  
2 more than 150 feet from a residence or occupied building located on  
3 another property; and

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

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

8 (A) on a tract of land of 50 acres or more and  
9 more than 300 feet from a residence or occupied building located on  
10 another property; and

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

13 SECTION 4. Section 229.003(b), Local Government Code, is  
14 amended to read as follows:

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

20 (1) a shotgun[~~, air rifle or pistol, BB gun,~~] or bow  
21 and arrow discharged:

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

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

24 (a) the property line of a public  
25 tract of land, generally accessible by the public, that is  
26 routinely used for organized sporting or recreational activities or  
27 that has permanent recreational facilities or equipment; and

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

3 (ii) more than 600 feet from:

4 (a) the property line of a residential  
5 subdivision; and

6 (b) the property line of a multifamily  
7 residential complex; and

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

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

12 (2) a center fire or rim fire rifle or pistol of any  
13 caliber discharged:

14 (A) on a tract of land of 50 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

25 (b) the property line of a multifamily  
26 residential complex; and

27 (iii) more than 300 feet from a residence or

1 occupied building located on another property; and

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

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

7 SECTION 5. Section 229.004(b), Local Government Code, is  
8 amended to read as follows:

9 (b) Notwithstanding Section 229.002, a municipality may not  
10 apply a regulation relating to the discharge of firearms or other  
11 weapons in the extraterritorial jurisdiction of the municipality or  
12 in an area annexed by the municipality on or before September 1,  
13 1981, if the firearm or other weapon is:

14 (1) a shotgun[~~, air rifle or pistol, BB gun,~~] or bow  
15 and arrow discharged:

16 (A) on a tract of land of 100 acres or more and  
17 more than 150 feet from a residence or occupied building located on  
18 another property; and

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

21 (2) a center fire or rim fire rifle or pistol of any  
22 caliber discharged:

23 (A) on a tract of land of 100 acres or more and  
24 more than 300 feet from a residence or occupied building located on  
25 another property; and

26 (B) in a manner not reasonably expected to cause  
27 a projectile to cross the boundary of the tract.

1 SECTION 6. Subchapter A, Chapter 229, Local Government  
2 Code, is amended by adding Section 229.005 to read as follows:

3 Sec. 229.005. REGULATION OF AIR GUNS. (a) In this section:

4 (1) "Air gun" means a rifle or pistol that discharges a  
5 projectile by means of compressed air, including a BB gun or a  
6 pellet gun.

7 (2) "Institution of higher education" and "private or  
8 independent institution of higher education" have the meanings  
9 assigned by Section 61.003, Education Code.

10 (3) "Sport shooting range" has the meaning assigned by  
11 Section 250.001.

12 (b) A municipality may not adopt or enforce a regulation  
13 relating to:

14 (1) the transfer, private ownership, keeping,  
15 transportation, use, licensing, or registration of an air gun or an  
16 accessory for an air gun; or

17 (2) the discharge of an air gun at:

18 (A) a sport shooting range;

19 (B) a range associated with:

20 (i) a Reserve Officers' Training Corps  
21 (ROTC) program of a school, an institution of higher education, or a  
22 private or independent institution of higher education; or

23 (ii) a hunter education program established  
24 under Section 62.014, Parks and Wildlife Code;

25 (C) a commercial or sporting event by a  
26 participant in the event;

27 (D) a private indoor or outdoor range located on

1 residential property if:

2 (i) traps are used to capture the  
3 projectile of the air gun;

4 (ii) any person younger than 18 years of age  
5 discharging the air gun is supervised by a parent or a person 18  
6 years of age or older who is acting in loco parentis; and

7 (iii) the projectile does not cross the  
8 property line; or

9 (E) the premises of an agricultural operation as  
10 defined by Section 251.002, Agriculture Code.

11 SECTION 7. Section 235.022, Local Government Code, is  
12 amended to read as follows:

13 Sec. 235.022. AUTHORITY TO REGULATE. (a) In this section,  
14 "firearm" does not include an air gun as defined by Section 229.005.

15 (b) To promote the public safety, the commissioners court of  
16 a county by order may prohibit or otherwise regulate the discharge  
17 of firearms on lots that are 10 acres or smaller and are located in  
18 the unincorporated area of the county in a subdivision.

19 SECTION 8. Section 236.001, Local Government Code, is  
20 amended to read as follows:

21 Sec. 236.001. DEFINITION. In this chapter:

22 (1) "Air gun" has the meaning assigned by Section  
23 229.005.

24 (2) "Firearm" does not include an air gun.

25 (3) "Sport [~~,"sport]~~ shooting range" has the meaning  
26 assigned by Section 250.001.

27 SECTION 9. Chapter 236, Local Government Code, is amended

1 by adding Section 236.004 to read as follows:

2 Sec. 236.004. REGULATION OF AIR GUNS. (a) A county may not  
3 adopt or enforce a regulation relating to:

4 (1) the transfer, private ownership, keeping,  
5 transportation, use, licensing, or registration of an air gun or an  
6 accessory for an air gun; or

7 (2) the discharge of an air gun, except as provided by  
8 Subsection (b).

9 (b) A county may regulate the discharge of an air gun on the  
10 premises of:

11 (1) a park, playground, museum, or site acquired and  
12 maintained under Chapter 331; or

13 (2) a facility owned or leased by the county.

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