

1-1 By: Estes S.B. No. 1400  
 1-2 (In the Senate - Filed March 7, 2013; March 18, 2013, read  
 1-3 first time and referred to Committee on Agriculture, Rural Affairs,  
 1-4 and Homeland Security; April 22, 2013, reported adversely, with  
 1-5 favorable Committee Substitute by the following vote: Yeas 4,  
 1-6 Nays 0; April 22, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1400 By: Estes

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the municipal and county regulation of air guns.  
 1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-19 SECTION 1. Section 229.001, Local Government Code, is  
 1-20 amended to read as follows:  
 1-21 Sec. 229.001. FIREARMS; AIR GUNS; EXPLOSIVES.  
 1-22 (a) Notwithstanding any other law, including Section 43.002 of  
 1-23 this code and Chapter 251, Agriculture Code, a municipality may not  
 1-24 adopt regulations relating to:  
 1-25 (1) the transfer, private ownership, keeping,  
 1-26 transportation, licensing, or registration of firearms, air guns,  
 1-27 ammunition, or firearm or air gun supplies; or  
 1-28 (2) the discharge of a firearm or air gun at a sport  
 1-29 shooting range.  
 1-30 (b) Subsection (a) does not affect the authority a  
 1-31 municipality has under another law to:  
 1-32 (1) require residents or public employees to be armed  
 1-33 for personal or national defense, law enforcement, or another  
 1-34 lawful purpose;  
 1-35 (2) regulate the discharge of firearms or air guns  
 1-36 within the limits of the municipality, other than at a sport  
 1-37 shooting range;  
 1-38 (3) regulate the use of property, the location of a  
 1-39 business, or uses at a business under the municipality's fire code,  
 1-40 zoning ordinance, or land-use regulations as long as the code,  
 1-41 ordinance, or regulations are not used to circumvent the intent of  
 1-42 Subsection (a) or Subdivision (5) of this subsection;  
 1-43 (4) regulate the use of firearms or air guns in the  
 1-44 case of an insurrection, riot, or natural disaster if the  
 1-45 municipality finds the regulations necessary to protect public  
 1-46 health and safety;  
 1-47 (5) regulate the storage or transportation of  
 1-48 explosives to protect public health and safety, except that 25  
 1-49 pounds or less of black powder for each private residence and 50  
 1-50 pounds or less of black powder for each retail dealer are not  
 1-51 subject to regulation;  
 1-52 (6) regulate the carrying of a firearm or air gun by a  
 1-53 person other than a person licensed to carry a concealed handgun  
 1-54 under Subchapter H, Chapter 411, Government Code, at a:  
 1-55 (A) public park;  
 1-56 (B) public meeting of a municipality, county, or  
 1-57 other governmental body;  
 1-58 (C) political rally, parade, or official  
 1-59 political meeting; or  
 1-60 (D) nonfirearms-related school, college, or

2-1 professional athletic event; [~~or~~]  
2-2 (7) regulate the hours of operation of a sport  
2-3 shooting range, except that the hours of operation may not be more  
2-4 limited than the least limited hours of operation of any other  
2-5 business in the municipality other than a business permitted or  
2-6 licensed to sell or serve alcoholic beverages for on-premises  
2-7 consumption; or  
2-8 (8) regulate the carrying of an air gun by a minor on:  
2-9 (A) public property; or  
2-10 (B) private property without consent of the  
2-11 property owner.  
2-12 (c) The exception provided by Subsection (b)(6) does not  
2-13 apply if the firearm or air gun is in or is carried to or from an  
2-14 area designated for use in a lawful hunting, fishing, or other  
2-15 sporting event and the firearm or air gun is of the type commonly  
2-16 used in the activity.  
2-17 (d) The exception provided by Subsection (b)(4) does not  
2-18 authorize the seizure or confiscation of any firearm, air gun, or  
2-19 ammunition from an individual who is lawfully carrying or  
2-20 possessing the firearm, air gun, or ammunition.  
2-21 (e) In this section:  
2-22 (1) "Air gun" means any gun that discharges a pellet,  
2-23 BB, or paintball by means of compressed air, gas propellant, or a  
2-24 spring.  
2-25 (2) "Sport[~~, "sport~~] shooting range" has the meaning  
2-26 assigned by Section 250.001.  
2-27 SECTION 2. Subchapter B, Chapter 235, Local Government  
2-28 Code, is amended by adding Section 235.020 to read as follows:  
2-29 Sec. 235.020. DEFINITION. In this subchapter, "air gun"  
2-30 has the meaning assigned by Section 229.001.  
2-31 SECTION 3. Section 235.022, Local Government Code, is  
2-32 amended to read as follows:  
2-33 Sec. 235.022. AUTHORITY TO REGULATE. To promote the public  
2-34 safety, the commissioners court of a county by order may prohibit or  
2-35 otherwise regulate the discharge of firearms and air guns on lots  
2-36 that are 10 acres or smaller and are located in the unincorporated  
2-37 area of the county in a subdivision.  
2-38 SECTION 4. Section 235.023, Local Government Code, is  
2-39 amended to read as follows:  
2-40 Sec. 235.023. PROHIBITED REGULATIONS. This subchapter does  
2-41 not authorize the commissioners court to regulate the transfer,  
2-42 ownership, possession, or transportation of firearms or air guns  
2-43 and does not authorize the court to require the registration of  
2-44 firearms or air guns.  
2-45 SECTION 5. Section 236.001, Local Government Code, is  
2-46 amended to read as follows:  
2-47 Sec. 236.001. DEFINITIONS [DEFINITION]. In this chapter:  
2-48 (1) "Air gun" has the meaning assigned by Section  
2-49 229.001.  
2-50 (2) "Sport[~~, "sport~~] shooting range" has the meaning  
2-51 assigned by Section 250.001.  
2-52 SECTION 6. Section 236.002, Local Government Code, is  
2-53 amended to read as follows:  
2-54 Sec. 236.002. FIREARMS; AIR GUNS; SPORT SHOOTING RANGE.  
2-55 Notwithstanding any other law, including Chapter 251, Agriculture  
2-56 Code, a county may not adopt regulations relating to:  
2-57 (1) the transfer, private ownership, keeping,  
2-58 transportation, licensing, or registration of firearms, air guns,  
2-59 ammunition, or firearm or air gun supplies; or  
2-60 (2) the discharge of a firearm or air gun at a sport  
2-61 shooting range.  
2-62 SECTION 7. Section 236.003, Local Government Code, is  
2-63 amended to read as follows:  
2-64 Sec. 236.003. REGULATION OF OUTDOOR SPORT SHOOTING RANGE.  
2-65 Notwithstanding Section 236.002, a county may regulate the  
2-66 discharge of a firearm or air gun at an outdoor sport shooting range  
2-67 as provided by Subchapter B, Chapter 235.  
2-68 SECTION 8. This Act takes effect immediately if it receives  
2-69 a vote of two-thirds of all the members elected to each house, as

3-1 provided by Section 39, Article III, Texas Constitution. If this  
3-2 Act does not receive the vote necessary for immediate effect, this  
3-3 Act takes effect September 1, 2013.

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