

BILL ANALYSIS

Senate Research Center
84R8430 NC-F

H.B. 905
By: Frullo et al. (To Be Filed)
Criminal Justice
5/21/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 905 amends current law relating to the regulation of knives by a municipality or county.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Subchapter A, Chapter 229, Local Government Code, to read as follows:

SUBCHAPTER A. REGULATION OF FIREARMS, KNIVES, AND EXPLOSIVES

SECTION 2. Amends the heading to Section 229.001, Local Government Code, to read as follows:

Sec. 229.001. FIREARMS; AIR GUNS; KNIVES; EXPLOSIVES.

SECTION 3. Amends Sections 229.001(a), (b), (d), and (e), Local Government Code, as follows:

(a) Prohibits a municipality, notwithstanding any other law, including Section 43.002 (Continuation of Land Use) of this code and Chapter 251 (Effect of Nuisance Actions and Governmental Requirements on Preexisting Agricultural Operations), Agriculture Code, from adopting regulations relating to the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, air guns, knives, ammunition, or firearm or air gun supplies.

(b) Provides that Subsection (a) does not affect the authority a municipality has under another law to regulate the use of firearms, air guns, or knives in the case of an insurrection, riot, or natural disaster if the municipality finds the regulations necessary to protect public health and safety;

Makes no further change to this subsection.

(d) Provides that the exception provided by Subsection (b)(4) (relating to regulation of knives under certain other law) does not authorize the seizure or confiscation of any firearm, air gun, knife, or ammunition from an individual who is lawfully carrying or possessing the firearm, air gun, knife, or ammunition.

(e) Defines "knife" in this section.

SECTION 4. Amends the heading to Chapter 236, Local Government Code, to read as follows:

CHAPTER 236. COUNTY REGULATION OF FIREARMS, KNIVES, AMMUNITION, FIREARM SUPPLIES, AND SPORT SHOOTING RANGES

SECTION 5. Amends Section 236.001, Local Government Code, by adding Subdivision (1-a), to define "knife."

SECTION 6. Amends Section 236.002(a), Local Government Code, as follows:

(a) Prohibits a county, notwithstanding any other law, including Chapter 251, Agriculture Code, from adopting regulations relating to:

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

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

SECTION 7. (a) Prohibits a municipality or county from enforcing a regulation adopted by the municipality or county before the effective date of this Act that relates to knives, if the adoption of the regulation would be prohibited under Section 229.001 or 236.002, Local Government Code, as amended by this Act.

(b) Requires a court in which a proceeding is pending for a violation of a regulation described by Subsection (a) of this section to dismiss the proceeding.

(c) Provides that the prohibition of enforcement of a regulation under Subsection (a) of this section does not:

(1) affect a final judgment of a court upholding a penalty under a regulation described by Subsection (a); or

(2) entitle a person who has paid a penalty for a violation of the regulation to a refund of the penalty.

SECTION 8. Effective date: September 1, 2015.