

By: Stickland

H.B. No. 172

A BILL TO BE ENTITLED

AN ACT

relating to municipal regulation of electric stun guns, knives, and personal defense sprays.

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

SECTION 1. The heading to Subchapter A, Chapter 229, Local Government Code, is amended to read as follows:

SUBCHAPTER A. REGULATION OF WEAPONS [~~FIREARMS~~] AND EXPLOSIVES

SECTION 2. Subchapter A, Chapter 229, Local Government Code, is amended by amending Section 229.001 to read as follows:

Sec. 229.001. FIREARMS; AIR GUNS; WEAPONS; EXPLOSIVES. (a) Notwithstanding any other law, including Section 43.002 of this code and Chapter 251, Agriculture Code, a municipality may not adopt or enforce regulations relating to:

(1) the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, air guns, electric stun guns, knives, personal defense sprays, ammunition, or [~~firearm or air gun~~] related 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;

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

4           (3) regulate the use of property, the location of a  
5 business, or uses at a business under the municipality's fire code,  
6 zoning ordinance, or land-use regulations as long as the code,  
7 ordinance, or regulations are not used to circumvent the intent of  
8 Subsection (a) or Subdivision (5) of this subsection;

9           (4) regulate the use of firearms, ~~or~~ air guns,  
10 electric stun guns, knives, or personal defense sprays in the case  
11 of an insurrection, riot, or natural disaster if the municipality  
12 finds the regulations necessary to protect public health and  
13 safety;

14           (5) regulate the storage or transportation of  
15 explosives to protect public health and safety, except that 25  
16 pounds or less of black powder for each private residence and 50  
17 pounds or less of black powder for each retail dealer are not  
18 subject to regulation;

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

22                   (A) public park;

23                   (B) public meeting of a municipality, county, or  
24 other governmental body;

25                   (C) political rally, parade, or official  
26 political meeting; or

27                   (D) nonfirearms-related school, college, or

1 professional athletic event;

2 (7) regulate the hours of operation of a sport  
3 shooting range, except that the hours of operation may not be more  
4 limited than the least limited hours of operation of any other  
5 business in the municipality other than a business permitted or  
6 licensed to sell or serve alcoholic beverages for on-premises  
7 consumption; [~~or~~]

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

9 (A) public property; or

10 (B) private property without consent of the  
11 property owner; [~~or~~]

12 (9) prohibit a person, for purposes of entering a  
13 restricted area, from carrying an electric stun gun, a knife, or a  
14 personal defense spray past a metal detector or magnetometer used  
15 to screen for weapons; or

16 (10) enforce any Texas statute.

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

22 (d) The exception provided by Subsection (b)(4) does not  
23 authorize the seizure or confiscation of any firearm, air gun,  
24 electric stun gun, knife, personal defense spray, or ammunition  
25 from an individual who is lawfully carrying or possessing the  
26 firearm, air gun, electric stun gun, knife, personal defense spray,  
27 or ammunition.

1 (e) In this section:

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

5 (2) "Sport shooting range" has the meaning assigned by  
6 Section 250.001.

7 (3) "Electric stun gun" means a device that is:

8 (A) sold commercially for personal protection;

9 and

10 (B) designed, made, or adapted for the purpose of  
11 emitting an electrical charge or current intended to temporarily  
12 disable a person.

13 (4) "Knife" has the meaning assigned by Section 46.01,  
14 Penal Code.

15 (5) "Personal defense spray" means a small chemical  
16 dispenser that is:

17 (A) sold commercially for personal protection;

18 and

19 (B) designed, made, or adapted for the purpose of  
20 dispensing a substance capable of causing an adverse psychological  
21 or physiological effect on a human being.

22 (f) The attorney general may bring an action in the name of  
23 the state to obtain a temporary or permanent injunction against a  
24 municipality adopting or enforcing a regulation in violation of  
25 this section.

26 (g) The exception provided by Subsection (b)(4) does not  
27 authorize a municipality to regulate the carrying or possession of

1 any firearm, air gun, electric stun gun, knife, personal defense  
2 spray, or ammunition by an individual who is:

3 (1) on the person's own premises or premises under the  
4 person's control; or

5 (2) licensed to carry a concealed handgun under  
6 Subchapter H, Chapter 411, Government Code.

7 SECTION 3. Section 37.007, Education Code, is amended by  
8 amending Subsection (a)(1)(B) to read as follows:

9 (B) an illegal knife as defined by Section  
10 46.01(6), Penal Code, or by a local policy described by Section  
11 229.001(b), Local Government Code;

12 SECTION 4. This Act takes effect September 1, 2015.