

By: Frullo

H.B. No. 905

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the regulation of knives and related supplies and the  
3 enforcement of regulations regarding certain weapons.

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

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

7 SUBCHAPTER A. REGULATION OF FIREARMS, AIR GUNS, [~~AND~~] EXPLOSIVES,  
8 AND KNIVES

9 SECTION 2. The heading to Section 229.001, Local Government  
10 Code, is amended to read as follows:

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

12 SECTION 3. Sections 229.001(a), (b), (d), and (e), Local  
13 Government Code, are amended to read as follows:

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

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

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

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

24 (1) require residents or public employees to be armed

1 for personal or national defense, law enforcement, or another  
2 lawful purpose;

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

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

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

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

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

23 (A) public park;

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

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

1 (D) nonfirearms-related school, college, or  
2 professional athletic event;

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

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

10 (A) public property; or

11 (B) private property without consent of the  
12 property owner.

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

17 (e) In this section:

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

21 (2) "Knife" has the meaning assigned by Section 46.01,  
22 Penal Code.

23 (3) "Sport shooting range" has the meaning assigned by  
24 Section 250.001.

25 SECTION 4. The heading to Chapter 236, Local Government  
26 Code, is amended to read as follows:

27 CHAPTER 236. COUNTY REGULATION OF WEAPONS, FIREARMS, AMMUNITION,

FIREARM SUPPLIES, AND SPORT SHOOTING RANGES

SECTION 5. Section 236.001, Local Government Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Knife" has the meaning assigned by Section 46.01, Penal Code.

SECTION 6. Section 236.002(a), Local Government Code, is amended to read as follows:

(a) Notwithstanding any other law, including Chapter 251, Agriculture Code, a county may not adopt regulations relating to:

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

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

SECTION 7. (a) A municipality or county may not enforce 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) A court in which a proceeding is pending for a violation of a regulation described by Subsection (a) of this section shall dismiss the proceeding.

(c) 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

1 violation of the regulation to a refund of the penalty.

2 SECTION 8. This Act takes effect September 1, 2015.