

1-1 By: Frullo, et al. (Senate Sponsor - Schwertner) H.B. No. 905
 1-2 (In the Senate - Received from the House May 6, 2015;
 1-3 May 11, 2015, read first time and referred to Committee on Criminal
 1-4 Justice; May 21, 2015, reported favorably by the following vote:
 1-5 Yeas 7, Nays 0; May 21, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

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

1-17 relating to the regulation of knives by a municipality or county.
 1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-19 SECTION 1. The heading to Subchapter A, Chapter 229, Local
 1-20 Government Code, is amended to read as follows:
 1-21 SUBCHAPTER A. REGULATION OF FIREARMS, KNIVES, AND EXPLOSIVES
 1-22 SECTION 2. The heading to Section 229.001, Local Government
 1-23 Code, is amended to read as follows:
 1-24 Sec. 229.001. FIREARMS; AIR GUNS; KNIVES; EXPLOSIVES.
 1-25 SECTION 3. Sections 229.001(a), (b), (d), and (e), Local
 1-26 Government Code, are amended to read as follows:
 1-27 (a) Notwithstanding any other law, including Section 43.002
 1-28 of this code and Chapter 251, Agriculture Code, a municipality may
 1-29 not adopt regulations relating to:
 1-30 (1) the transfer, private ownership, keeping,
 1-31 transportation, licensing, or registration of firearms, air guns,
 1-32 knives, ammunition, or firearm or air gun supplies; or
 1-33 (2) the discharge of a firearm or air gun at a sport
 1-34 shooting range.
 1-35 (b) Subsection (a) does not affect the authority a
 1-36 municipality has under another law to:
 1-37 (1) require residents or public employees to be armed
 1-38 for personal or national defense, law enforcement, or another
 1-39 lawful purpose;
 1-40 (2) regulate the discharge of firearms or air guns
 1-41 within the limits of the municipality, other than at a sport
 1-42 shooting range;
 1-43 (3) regulate the use of property, the location of a
 1-44 business, or uses at a business under the municipality's fire code,
 1-45 zoning ordinance, or land-use regulations as long as the code,
 1-46 ordinance, or regulations are not used to circumvent the intent of
 1-47 Subsection (a) or Subdivision (5) of this subsection;
 1-48 (4) regulate the use of firearms, ~~or~~ air guns, or
 1-49 knives in the case of an insurrection, riot, or natural disaster if
 1-50 the municipality finds the regulations necessary to protect public
 1-51 health and safety;
 1-52 (5) regulate the storage or transportation of
 1-53 explosives to protect public health and safety, except that 25
 1-54 pounds or less of black powder for each private residence and 50
 1-55 pounds or less of black powder for each retail dealer are not
 1-56 subject to regulation;
 1-57 (6) regulate the carrying of a firearm or air gun by a
 1-58 person other than a person licensed to carry a concealed handgun
 1-59 under Subchapter H, Chapter 411, Government Code, at a:
 1-60 (A) public park;
 1-61 (B) public meeting of a municipality, county, or

2-1 other governmental body;

2-2 (C) political rally, parade, or official

2-3 political meeting; or

2-4 (D) nonfirearms-related school, college, or

2-5 professional athletic event;

2-6 (7) regulate the hours of operation of a sport

2-7 shooting range, except that the hours of operation may not be more

2-8 limited than the least limited hours of operation of any other

2-9 business in the municipality other than a business permitted or

2-10 licensed to sell or serve alcoholic beverages for on-premises

2-11 consumption; or

2-12 (8) regulate the carrying of an air gun by a minor on:

2-13 (A) public property; or

2-14 (B) private property without consent of the

2-15 property owner.

2-16 (d) The exception provided by Subsection (b)(4) does not

2-17 authorize the seizure or confiscation of any firearm, air gun,

2-18 knife, or ammunition from an individual who is lawfully carrying or

2-19 possessing the firearm, air gun, knife, or ammunition.

2-20 (e) In this section:

2-21 (1) "Air gun" means any gun that discharges a pellet,

2-22 BB, or paintball by means of compressed air, gas propellant, or a

2-23 spring.

2-24 (2) "Knife" has the meaning assigned by Section 46.01,

2-25 Penal Code.

2-26 (3) "Sport shooting range" has the meaning assigned by

2-27 Section 250.001.

2-28 SECTION 4. The heading to Chapter 236, Local Government

2-29 Code, is amended to read as follows:

2-30 CHAPTER 236. COUNTY REGULATION OF FIREARMS, KNIVES, AMMUNITION,

2-31 FIREARM SUPPLIES, AND SPORT SHOOTING RANGES

2-32 SECTION 5. Section 236.001, Local Government Code, is

2-33 amended by adding Subdivision (1-a) to read as follows:

2-34 (1-a) "Knife" has the meaning assigned by Section

2-35 46.01, Penal Code.

2-36 SECTION 6. Section 236.002(a), Local Government Code, is

2-37 amended to read as follows:

2-38 (a) Notwithstanding any other law, including Chapter 251,

2-39 Agriculture Code, a county may not adopt regulations relating to:

2-40 (1) the transfer, private ownership, keeping,

2-41 transportation, licensing, or registration of firearms, air guns,

2-42 knives, ammunition, or firearm or air gun supplies; or

2-43 (2) the discharge of a firearm or air gun at a sport

2-44 shooting range.

2-45 SECTION 7. (a) A municipality or county may not enforce a

2-46 regulation adopted by the municipality or county before the

2-47 effective date of this Act that relates to knives, if the adoption

2-48 of the regulation would be prohibited under Section 229.001 or

2-49 236.002, Local Government Code, as amended by this Act.

2-50 (b) A court in which a proceeding is pending for a violation

2-51 of a regulation described by Subsection (a) of this section shall

2-52 dismiss the proceeding.

2-53 (c) The prohibition of enforcement of a regulation under

2-54 Subsection (a) of this section does not:

2-55 (1) affect a final judgment of a court upholding a

2-56 penalty under a regulation described by Subsection (a); or

2-57 (2) entitle a person who has paid a penalty for a

2-58 violation of the regulation to a refund of the penalty.

2-59 SECTION 8. This Act takes effect September 1, 2015.

2-60

* * * * *