

By: Swanson

H.B. No. 336

A BILL TO BE ENTITLED

AN ACT

relating to authorizing the provision of temporary secure storage for weapons at certain public buildings; authorizing fees.

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

SECTION 1. Chapter 2165, Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC BUILDINGS

Sec. 2165.451. APPLICABILITY. (a) This subchapter applies to a building or portion of a building:

(1) that is:

(A) used by an agency of this state; and

(B) generally open to the public; and

(2) in which:

(A) carrying a firearm, handgun, knife, or other weapon on the premises or part of the premises would violate Chapter 46, Penal Code, or other law; or

(B) the state agency in control of the building, by sign or otherwise, prohibits firearms, handguns, knives, or other weapons on the premises or part of the premises.

(b) This subchapter does not apply to:

(1) a penal institution, as that term is defined by Article 62.001, Code of Criminal Procedure; or

(2) a public primary or secondary school or

1 institution of higher education.

2 Sec. 2165.452. TEMPORARY SECURE WEAPON STORAGE. (a) A
3 state agency may provide temporary secure weapon storage for a
4 building or portion of a building to which this subchapter applies
5 for persons who enter the building or portion of the building with a
6 weapon prohibited in that building or portion of a building.

7 (b) The temporary secure weapon storage may be provided by:

8 (1) self-service weapon lockers described by Section
9 2165.453; or

10 (2) other temporary secure weapon storage operated at
11 all times by a public employee under Section 2165.454.

12 Sec. 2165.453. SELF-SERVICE WEAPON LOCKERS FOR TEMPORARY
13 SECURE STORAGE. (a) A state agency may provide self-service weapon
14 lockers for the temporary secure storage of any weapon prohibited
15 in a building or portion of a building.

16 (b) A self-service weapon locker must allow secure locking
17 by the user and:

18 (1) provide a key for reopening; or

19 (2) reopen by other electronic means, such as by a
20 fingerprint scan or entry of a numeric code.

21 (c) A state agency may require a person to submit the
22 person's name, the number of the person's driver's license or other
23 form of identification, and the person's telephone number as a
24 condition for use of a self-service weapon locker.

25 Sec. 2165.454. TEMPORARY SECURE WEAPON STORAGE
26 ADMINISTERED BY PUBLIC EMPLOYEE. (a) A state agency may provide
27 temporary secure weapon storage operated by a public employee for a

1 building or portion of a building in which weapons are prohibited.

2 (b) The weapons in temporary secure weapon storage must be
3 placed in a safe, locker, or other location that is locked and
4 accessible only to an employee of the state agency.

5 (c) If a person gives to the public employee the person's
6 weapon for temporary secure storage, the employee shall:

7 (1) securely affix a claim tag to the weapon;

8 (2) provide the person with a claim receipt for
9 reclaiming the weapon; and

10 (3) record the person's name, the number of the
11 person's driver's license or other form of identification, and the
12 person's telephone number.

13 (d) A person may reclaim the person's weapon by showing the
14 employee operating the temporary secure weapon storage:

15 (1) the claim receipt given to the person at the time
16 the weapon was placed in temporary secure storage; or

17 (2) the person's driver's license or other form of
18 identification.

19 (e) A state agency that provides temporary secure weapon
20 storage under this section shall ensure that:

21 (1) the temporary secure weapon storage is available
22 and monitored by a public employee at all times that the building or
23 portion of the building is open to the public; and

24 (2) a person who is placing the weapon in storage or
25 retrieving the weapon from storage is not required to wait more than
26 five minutes.

27 Sec. 2165.455. FEES. A state agency under this chapter may

1 collect a fee for each use or day of use of a self-service weapon
2 locker or other temporary secure weapon storage.

3 Sec. 2165.456. UNCLAIMED WEAPONS. (a) A weapon that is
4 unclaimed at the end of a business day may be removed from the
5 self-service weapon locker or other temporary secure storage and
6 placed in another secure location.

7 (b) If practicable, the state agency shall notify the person
8 who placed the weapon in a self-service weapon locker or other
9 temporary secure storage that the weapon is in the custody of the
10 state agency and is subject to forfeiture if not reclaimed before
11 the 30th day after the date the weapon was placed in a self-service
12 weapon locker or other temporary secure storage. If the person
13 provided a telephone number when the weapon was placed in a
14 self-service weapon locker or other temporary secure storage, the
15 state agency shall notify the person by using that telephone
16 number.

17 (c) At each location where a weapon may be placed in a
18 self-service weapon locker or other temporary secure storage, the
19 state agency shall post a sign that describes the process for
20 reclaiming a weapon left in a self-service weapon locker or other
21 temporary secure storage for more than one business day.

22 (d) The state agency may require identification or other
23 evidence of ownership before returning the unclaimed weapon. On
24 return of the weapon, the state agency may charge a fee for each day
25 that the state agency stored the weapon.

26 (e) If the weapon is not reclaimed before the 30th day after
27 the date the weapon was placed in a self-service weapon locker or

1 other temporary secure storage, the weapon is forfeited.

2 (f) If the forfeited weapon may not be legally possessed in
3 this state, the state agency shall turn the weapon over to local law
4 enforcement as evidence or for destruction.

5 (g) If a person may legally possess the weapon in this
6 state, the weapon may be sold at public sale by an auctioneer
7 licensed under Chapter 1802, Occupations Code.

8 (h) Only a firearms dealer licensed under 18 U.S.C. Section
9 923 may purchase a firearm at public sale under this section.

10 (i) Proceeds from the sale of a weapon under this section
11 shall be transferred, after the deduction of auction costs, to the
12 general revenue fund.

13 SECTION 2. Subtitle C, Title 11, Local Government Code, is
14 amended by adding Chapter 365 to read as follows:

15 CHAPTER 365. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC
16 BUILDINGS

17 Sec. 365.001. APPLICABILITY. (a) This chapter applies to a
18 building or portion of a building:

19 (1) that is:

20 (A) used by a political subdivision of this
21 state; and

22 (B) generally open to the public; and

23 (2) in which:

24 (A) carrying a firearm, handgun, knife, or other
25 weapon on the premises or part of the premises would violate Chapter
26 46, Penal Code, or other law; or

27 (B) the political subdivision in control of the

1 building, by sign or otherwise, prohibits firearms, handguns,
2 knives, or other weapons on the premises or part of the premises.

3 (b) This chapter does not apply to:

4 (1) a penal institution, as that term is defined by
5 Article 62.001, Code of Criminal Procedure; or

6 (2) a public primary or secondary school or
7 institution of higher education.

8 Sec. 365.002. TEMPORARY SECURE WEAPON STORAGE. (a) A
9 political subdivision may provide temporary secure weapon storage
10 for a building or portion of a building to which this chapter
11 applies for persons who enter the building or portion of the
12 building with a weapon prohibited in that building or portion of a
13 building.

14 (b) The temporary secure weapon storage may be provided by:

15 (1) self-service weapon lockers described by Section
16 365.003; or

17 (2) other temporary secure weapon storage operated at
18 all times by a public employee under Section 365.004.

19 Sec. 365.003. SELF-SERVICE WEAPON LOCKERS FOR TEMPORARY
20 SECURE STORAGE. (a) A political subdivision may provide
21 self-service weapon lockers for the temporary secure storage of any
22 weapon prohibited in a building or portion of a building.

23 (b) A self-service weapon locker must allow secure locking
24 by the user and:

25 (1) provide a key for reopening; or

26 (2) reopen by other electronic means, such as by a
27 fingerprint scan or entry of a numeric code.

1 (c) A political subdivision may require a person to submit
2 the person's name, the number of the person's driver's license or
3 other form of identification, and the person's telephone number as
4 a condition for use of a self-service weapon locker.

5 Sec. 365.004. TEMPORARY SECURE WEAPON STORAGE ADMINISTERED
6 BY PUBLIC EMPLOYEE. (a) A political subdivision may provide
7 temporary secure weapon storage operated by a public employee for a
8 building or portion of a building in which weapons are prohibited.

9 (b) The weapons in temporary secure weapon storage must be
10 placed in a safe, locker, or other location that is locked and
11 accessible only to an employee of the political subdivision.

12 (c) If a person gives to the public employee the person's
13 weapon for temporary secure storage, the employee shall:

14 (1) securely affix a claim tag to the weapon;

15 (2) provide the person with a claim receipt for
16 reclaiming the weapon; and

17 (3) record the person's name, the number of the
18 person's driver's license or other form of identification, and the
19 person's telephone number.

20 (d) A person may reclaim the person's weapon by showing the
21 employee operating the temporary secure weapon storage:

22 (1) the claim receipt given to the person at the time
23 the weapon was placed in temporary secure storage; or

24 (2) the person's driver's license or other form of
25 identification.

26 (e) A political subdivision that provides temporary secure
27 weapon storage under this section shall ensure that:

1 (1) the temporary secure weapon storage is available
2 and monitored by a public employee at all times that the building or
3 portion of the building is open to the public; and

4 (2) a person who is placing the weapon in storage or
5 retrieving the weapon from storage is not required to wait more than
6 five minutes.

7 Sec. 365.005. FEES. A political subdivision under this
8 chapter may collect a fee for each use or day of use of a
9 self-service weapon locker or other temporary secure weapon
10 storage.

11 Sec. 365.006. UNCLAIMED WEAPONS. (a) A weapon that is
12 unclaimed at the end of a business day may be removed from the
13 self-service weapon locker or other temporary secure storage and
14 placed in another secure location.

15 (b) If practicable, the political subdivision shall notify
16 the person who placed the weapon in a self-service weapon locker or
17 other temporary secure storage that the weapon is in the custody of
18 the political subdivision and is subject to forfeiture if not
19 reclaimed before the 30th day after the date the weapon was placed
20 in a self-service weapon locker or other temporary secure storage.
21 If the person provided a telephone number when the weapon was placed
22 in a self-service weapon locker or other temporary secure storage,
23 the political subdivision shall notify the person by using that
24 telephone number.

25 (c) At each location where a weapon may be placed in a
26 self-service weapon locker or other temporary secure storage, the
27 political subdivision shall post a sign that describes the process

1 for reclaiming a weapon left in a self-service weapon locker or
2 other temporary secure storage for more than one business day.

3 (d) The political subdivision may require identification or
4 other evidence of ownership before returning the unclaimed weapon.
5 On return of the weapon, the political subdivision may charge a fee
6 for each day that the political subdivision stored the weapon.

7 (e) If the weapon is not reclaimed before the 30th day after
8 the date the weapon was placed in a self-service weapon locker or
9 other temporary secure storage, the weapon is forfeited.

10 (f) If the forfeited weapon may not be legally possessed in
11 this state, the political subdivision shall turn the weapon over to
12 local law enforcement as evidence or for destruction.

13 (g) If a person may legally possess the weapon in this
14 state, the weapon may be sold at public sale by an auctioneer
15 licensed under Chapter 1802, Occupations Code.

16 (h) Only a firearms dealer licensed under 18 U.S.C. Section
17 923 may purchase a firearm at public sale under this section.

18 (i) Proceeds from the sale of a weapon under this section
19 shall be transferred, after the deduction of auction costs, to the
20 treasury of the political subdivision.

21 SECTION 3. This Act takes effect December 1, 2017.