

BILL ANALYSIS

C.S.H.B. 3006
By: Swanson
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that there should be a way for a person who enters a government building or portion of such a building to temporarily and securely store a lawfully possessed weapon on the premises of the building if the weapon is prohibited in that building or portion of the building. C.S.H.B. 3006 seeks to address this issue by providing for the establishment of temporary secure weapon storage in certain government buildings open to the public, applicable to buildings located in a county with a population of more than 3.3 million.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3006 amends the Government Code and the Local Government Code to authorize a state agency and a political subdivision, respectively, in control of a building or portion of a building that is used by a state agency or political subdivision, generally open to the public, and located in a county with a population of more than 3.3 million and in which carrying a weapon on the premises or part of the premises would violate the law or in which the state agency or political subdivision in control of the building prohibits weapons on the premises or part of the premises to provide temporary secure weapon storage for any such building or portion of a building for persons who enter the building or portion of the building with a weapon prohibited in that building or portion of the building. That authorization and the bill's provisions expressly do not apply to a penal institution, a public primary or secondary school, or an institution of higher education. The temporary secure weapon storage may be provided by self-service weapon lockers as described by the bill or other temporary secure weapon storage operated at all times by a public employee under the bill's provisions.

C.S.H.B. 3006 authorizes the state agency or political subdivision, as applicable, to provide self-service weapon lockers for the temporary secure storage of a prohibited weapon in an applicable building or portion of a building. The bill requires a self-service weapon locker to allow secure locking by the user and to provide a key for reopening or to reopen by other electronic means. The bill authorizes the state agency or political subdivision to require a person to submit certain identifying and contact information as a condition for use of a self-service weapon locker.

C.S.H.B. 3006 authorizes the state agency or political subdivision, as applicable, to provide

temporary secure weapon storage operated by a public employee for a building or portion of a building in which weapons are prohibited and requires the weapons in temporary secure weapon storage to be placed in a safe, locker, or other location that is locked and accessible only to an employee of the state agency or political subdivision, as applicable. The bill requires the public employee to whom a person gives the weapon for temporary storage to securely affix a claim tag to the weapon, provide the person with a claim receipt for reclaiming the weapon, and record the person's name, the number of the person's driver's license and other form of identification, and the person's telephone number. The bill authorizes a person to reclaim the person's weapon by showing the employee operating the temporary secure weapon storage the claim receipt or the person's driver's license or other form of identification. The bill requires the state agency or political subdivision that provides such temporary secure weapon storage to ensure that the temporary secure weapon storage is available and monitored by a public employee at all times that the building or portion of the building is open to the public and that a person who is placing the weapon in storage or retrieving the weapon from storage is not required to wait more than five minutes.

C.S.H.B. 3006 authorizes the state agency or political subdivision, as applicable, to collect a fee for the use of such a locker or other temporary secure storage capped at \$2 for each use or day of use. The bill authorizes the removal of a weapon that is unclaimed at the end of a business day from the locker or other temporary secure storage and the placement of the weapon in another secure location. The bill requires the state agency or political subdivision, if practicable, to notify the person who placed the weapon in the locker or temporary secure storage that the weapon is in the agency's or political subdivision's custody, as applicable, and is subject to forfeiture if not reclaimed before the 30th day after the date the weapon was placed in the locker or temporary secure storage. The bill requires the state agency or political subdivision to notify the person by using the telephone number provided by the person when the weapon was placed in the locker or temporary secure storage, if the number was provided.

C.S.H.B. 3006 requires the state agency or political subdivision, as applicable, to post a sign at each location where a weapon may be placed in a self-service locker or other temporary secure storage that describes the process for reclaiming a weapon left in such a locker or temporary secure storage for more than one business day. The bill authorizes the state agency or political subdivision, as applicable, to require identification or other evidence of ownership before returning the unclaimed weapon and, on return of the weapon, to charge a fee capped at \$2 for each day the state agency or political subdivision stored the weapon. The bill specifies that a weapon that is not reclaimed before the 30th day after the date the weapon was placed in the locker or other temporary secure storage is forfeited and requires the state agency or political subdivision to turn the weapon over to local law enforcement as evidence or for destruction if the forfeited weapon may not be legally possessed in Texas. The bill authorizes the weapon to be sold at public sale by a licensed auctioneer to a federally licensed firearms dealer if a person may legally possess the weapon in Texas and requires proceeds from the sale of such a weapon to be transferred, after the deduction of auction costs, to the general revenue fund or the political subdivision's treasury, as applicable.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3006 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

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. This subchapter applies to a building or portion of a building:

- (1) that is:
 - (A) used by an agency of this state;
 - (B) generally open to the public; and
 - (C) located in a county with a population of more than 3.3 million; 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.

Sec. 2165.452. TEMPORARY SECURE WEAPON STORAGE REQUIRED. (a) A state agency must provide temporary secure weapon storage for each building or portion of a building to which this chapter applies for persons who enter the building or portion of the building with a weapon prohibited in that building or portion of a building.

(b) The temporary secure weapon storage must be provided directly outside or immediately inside the entrance to the building or portion of the building in which weapons are prohibited.

(c) A state agency may satisfy the requirements of this chapter by providing for the building or portion of the building:

- (1) the self-service weapon lockers described by Section 2165.453; or
- (2) other temporary secure weapon storage operated at all times by a public employee under Section 2165.454.

Sec. 2165.453. SELF-SERVICE WEAPON

HOUSE COMMITTEE SUBSTITUTE

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;
 - (B) generally open to the public; and
 - (C) located in a county with a population of more than 3.3 million; 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 institution of higher education.

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

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

- (1) self-service weapon lockers described by Section 2165.453; or
- (2) other temporary secure weapon storage operated at all times by a public employee under Section 2165.454.

Sec. 2165.453. SELF-SERVICE WEAPON

LOCKERS FOR TEMPORARY SECURE STORAGE. (a) A state agency may provide self-service weapon lockers for the temporary secure storage of any weapon prohibited in a building or portion of a building.

(b) Each self-service weapon locker must be large enough to accommodate a handgun or knife. A state agency may, but is not required to, provide self-service weapon lockers appropriate for the storage of a rifle or other long gun.

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

(1) provide a key for reopening; or
(2) reopen by other electronic means, such as by a fingerprint scan or entry of a numeric code.

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

Sec. 2165.454. TEMPORARY SECURE WEAPON STORAGE ADMINISTERED BY PUBLIC EMPLOYEE.

Sec. 2165.455. FEES. A state agency under this chapter may collect a fee for the use of a self-service weapon locker or other temporary secure weapon storage, not to exceed \$1 for each day of use.

Sec. 2165.456. UNCLAIMED WEAPONS.

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

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

(c) At each location where a weapon may

LOCKERS FOR TEMPORARY SECURE STORAGE. (a) A state agency may provide self-service weapon lockers for the temporary secure storage of any weapon prohibited in a building or portion of a building.

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

(1) provide a key for reopening; or
(2) reopen by other electronic means, such as by a fingerprint scan or entry of a numeric code.

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

Sec. 2165.454. TEMPORARY SECURE WEAPON STORAGE ADMINISTERED BY PUBLIC EMPLOYEE.

Sec. 2165.455. FEES. A state agency under this chapter may collect a fee for the use of a self-service weapon locker or other temporary secure weapon storage, not to exceed \$2 for each use or day of use.

Sec. 2165.456. UNCLAIMED WEAPONS.

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

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

(c) At each location where a weapon may

be placed in a self-service weapon locker or other temporary secure storage, the state agency shall post a sign that describes the process for reclaiming a weapon left in a self-service weapon locker or other temporary secure storage for more than one business day.

(d) The state agency may require identification or other evidence of ownership before returning the unclaimed weapon. On return of the weapon, the state agency may charge a fee of not more than \$1 for each day that the state agency stored the weapon.

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

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

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

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

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

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

CHAPTER 365. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC BUILDINGS

Sec. 365.001. APPLICABILITY. This chapter applies to a building or portion of a building:

(1) that is:

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

(B) generally open to the public; and

(C) located in a county with a population of more than 3.3 million; 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

be placed in a self-service weapon locker or other temporary secure storage, the state agency shall post a sign that describes the process for reclaiming a weapon left in a self-service weapon locker or other temporary secure storage for more than one business day.

(d) The state agency may require identification or other evidence of ownership before returning the unclaimed weapon. On return of the weapon, the state agency may charge a fee of not more than \$2 for each day that the state agency stored the weapon.

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

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

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

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

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

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

CHAPTER 365. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC BUILDINGS

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

(1) that is:

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

(B) generally open to the public; and

(C) located in a county with a population of more than 3.3 million; 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 political subdivision in control of the building, by sign or otherwise, prohibits firearms, handguns, knives, or other weapons on the premises or part of the premises.

Sec. 365.002. TEMPORARY SECURE WEAPON STORAGE REQUIRED. (a) A political subdivision must provide temporary secure weapon storage for each building or portion of a building to which this chapter applies for persons who enter the building or portion of the building with a weapon prohibited in that building or portion of a building.

(b) The temporary secure weapon storage must be provided directly outside or immediately inside the entrance to the building or portion of the building in which weapons are prohibited.

(c) A political subdivision may satisfy the requirements of this chapter by providing for the building or portion of the building:

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

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

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

(b) Each self-service weapon locker must be large enough to accommodate a handgun or knife. A political subdivision may, but is not required to, provide self-service weapon lockers appropriate for the storage of a rifle or other long gun.

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

(1) provide a key for reopening; or

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

(d) A political subdivision may require a person to submit the person's name, the

Code, or other law; or

(B) the political subdivision 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 chapter 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 institution of higher education.

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

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

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

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

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

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

(1) provide a key for reopening; or

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

(c) A political subdivision may require a person to submit the person's name, the

number of the person's driver's license or other form of identification, and the person's telephone number as a condition for use of a self-service weapon locker.

Sec. 365.004. TEMPORARY SECURE WEAPON STORAGE ADMINISTERED BY PUBLIC EMPLOYEE.

Sec. 365.005. FEES. A political subdivision under this chapter may collect a fee for the use of a self-service weapon locker or other temporary secure weapon storage, not to exceed \$1 for each day of use.

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

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

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

(d) The political subdivision may require identification or other evidence of ownership before returning the unclaimed weapon. On return of the weapon, the political subdivision may charge a fee of not more than \$1 for each day that the political subdivision stored the weapon.

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

number of the person's driver's license or other form of identification, and the person's telephone number as a condition for use of a self-service weapon locker.

Sec. 365.004. TEMPORARY SECURE WEAPON STORAGE ADMINISTERED BY PUBLIC EMPLOYEE.

Sec. 365.005. FEES. A political subdivision under this chapter may collect a fee for the use of a self-service weapon locker or other temporary secure weapon storage, not to exceed \$2 for each use or day of use.

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

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

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

(d) The political subdivision may require identification or other evidence of ownership before returning the unclaimed weapon. On return of the weapon, the political subdivision may charge a fee of not more than \$2 for each day that the political subdivision stored the weapon.

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

is forfeited.

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

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

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

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

SECTION 3. Not later than March 1, 2018, each state agency and political subdivision to which this Act applies shall provide self-service weapon lockers or other temporary secure storage.

SECTION 4. This Act takes effect September 1, 2017.

is forfeited.

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

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

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

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

No equivalent provision.

SECTION 3. Same as introduced version.