

By: Swanson, Huberty, Schofield

H.B. No. 3006

Substitute the following for H.B. No. 3006:

By: Nevárez

C.S.H.B. No. 3006

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;

(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

1 Article 62.001, Code of Criminal Procedure; or

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

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

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

10 (1) self-service weapon lockers described by Section
11 2165.453; or

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

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

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

20 (1) provide a key for reopening; or

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

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

27 Sec. 2165.454. TEMPORARY SECURE WEAPON STORAGE

1 ADMINISTERED BY PUBLIC EMPLOYEE. (a) A state agency may provide
2 temporary secure weapon storage operated by a public employee for a
3 building or portion of a building in which weapons are prohibited.

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

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

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

10 (2) provide the person with a claim receipt for
11 reclaiming the weapon; and

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

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

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

19 (2) the person's driver's license or other form of
20 identification.

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

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

26 (2) a person who is placing the weapon in storage or
27 retrieving the weapon from storage is not required to wait more than

1 five minutes.

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

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

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

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

25 (d) The state agency may require identification or other
26 evidence of ownership before returning the unclaimed weapon. On
27 return of the weapon, the state agency may charge a fee of not more

1 than \$2 for each day that the state agency stored the weapon.

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

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

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

11 (h) Only a firearms dealer licensed under 18 U.S.C. Section
12 923 may purchase a firearm at public sale under this section.

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

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

18 CHAPTER 365. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC
19 BUILDINGS

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

22 (1) that is:

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

25 (B) generally open to the public; and

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

1 (2) in which:

2 (A) carrying a firearm, handgun, knife, or other
3 weapon on the premises or part of the premises would violate Chapter
4 46, Penal Code, or other law; or

5 (B) the political subdivision in control of the
6 building, by sign or otherwise, prohibits firearms, handguns,
7 knives, or other weapons on the premises or part of the premises.

8 (b) This chapter does not apply to:

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

11 (2) a public primary or secondary school or
12 institution of higher education.

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

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

20 (1) self-service weapon lockers described by Section
21 365.003; or

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

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

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

3 (1) provide a key for reopening; or

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

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

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

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

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

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

20 (2) provide the person with a claim receipt for
21 reclaiming the weapon; and

22 (3) record the person's name, the number of the
23 person's driver's license or other form of identification, and the
24 person's telephone number.

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

27 (1) the claim receipt given to the person at the time

1 the weapon was placed in temporary secure storage; or

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

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

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

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

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

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

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

1 the political subdivision shall notify the person by using that
2 telephone number.

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

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

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

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

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

22 (h) Only a firearms dealer licensed under 18 U.S.C. Section
23 923 may purchase a firearm at public sale under this section.

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

27 SECTION 3. This Act takes effect September 1, 2017.