

By: Swanson

H.B. No. 3006

A BILL TO BE ENTITLED

AN ACT

relating to temporary secure storage of weapons at certain public buildings; authorizing a fee.

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. 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

1 each building or portion of a building to which this chapter applies  
2 for persons who enter the building or portion of the building with a  
3 weapon prohibited in that building or portion of a building.

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

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

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

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

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

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

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

23 (1) provide a key for reopening; or

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

26 (d) A state agency may require a person to submit the  
27 person's name, the number of the person's driver's license or other

1 form of identification, and the person's telephone number as a  
2 condition for use of a self-service weapon locker.

3 Sec. 2165.454. TEMPORARY SECURE WEAPON STORAGE  
4 ADMINISTERED BY PUBLIC EMPLOYEE. (a) A state agency may provide  
5 temporary secure weapon storage operated by a public employee for a  
6 building or portion of a building in which weapons are prohibited.

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

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

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

13 (2) provide the person with a claim receipt for  
14 reclaiming the weapon; and

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

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

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

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

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

26 (1) the temporary secure weapon storage is available  
27 and monitored by a public employee at all times that the building or

1 portion of the building is open to the public; and

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

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

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

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

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

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

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

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

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

14 (h) Only a firearms dealer licensed under 18 U.S.C. Section  
15 923 may purchase a firearm at public sale under this section.

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

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

21 CHAPTER 365. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC  
22 BUILDINGS

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

25 (1) that is:

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

1                   (B) generally open to the public; and

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

4                   (2) in which:

5                   (A) carrying a firearm, handgun, knife, or other  
6 weapon on the premises or part of the premises would violate Chapter  
7 46, Penal Code, or other law; or

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

11                   Sec. 365.002. TEMPORARY SECURE WEAPON STORAGE REQUIRED.

12                   (a) A political subdivision must provide temporary secure weapon  
13 storage for each building or portion of a building to which this  
14 chapter applies for persons who enter the building or portion of the  
15 building with a weapon prohibited in that building or portion of a  
16 building.

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

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

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

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

27                   Sec. 365.003. SELF-SERVICE WEAPON LOCKERS FOR TEMPORARY

1 SECURE STORAGE. (a) A political subdivision may provide  
2 self-service weapon lockers for the temporary secure storage of any  
3 weapon prohibited in a building or portion of a building.

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

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

10 (1) provide a key for reopening; or

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

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

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

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

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

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

27 (2) provide the person with a claim receipt for

1 reclaiming the weapon; and

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

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

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

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

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

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

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

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

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

27 (b) If practicable, the political subdivision shall notify



1 the person who placed the weapon in a self-service weapon locker or  
2 other temporary secure storage that the weapon is in the custody of  
3 the political subdivision and is subject to forfeiture if not  
4 reclaimed before the 30th day after the date the weapon was placed  
5 in a self-service weapon locker or other temporary secure storage.  
6 If the person provided a telephone number when the weapon was placed  
7 in a self-service weapon locker or other temporary secure storage,  
8 the political subdivision shall notify the person by using that  
9 telephone number.

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

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

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

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

26 (g) If a person may legally possess the weapon in this  
27 state, the weapon may be sold at public sale by an auctioneer

1 licensed under Chapter 1802, Occupations Code.

2 (h) Only a firearms dealer licensed under 18 U.S.C. Section  
3 923 may purchase a firearm at public sale under this section.

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

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

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