

By: Swanson

H.B. No. 3007

A BILL TO BE ENTITLED

AN ACT

relating to temporary secure storage of weapons at 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 used by an agency of this state that is generally open to the public and in which:

(1) 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

(2) 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

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

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

4 (1) the self-service weapon lockers described by
5 Section 2165.453; or

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

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

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

16 (c) 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 (d) 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 the use of a self-service weapon locker or other
2 temporary secure weapon storage, not to exceed \$1 for each day of
3 use.

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

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

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

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

27 (e) If the weapon is not reclaimed before the 30th day after

1 the date the weapon was placed in a self-service weapon locker or
2 other temporary secure storage, the weapon is forfeited.

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

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

9 (h) Only a firearms dealer licensed under 18 U.S.C. Section
10 923 may purchase a firearm at public sale under this section.

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

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

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

18 Sec. 365.001. APPLICABILITY. This chapter applies to a
19 building or portion of a building used by a political subdivision of
20 this state that is generally open to the public and in which:

21 (1) carrying a firearm, handgun, knife, or other
22 weapon on the premises or part of the premises would violate Chapter
23 46, Penal Code, or other law; or

24 (2) the political subdivision in control of the
25 building, by sign or otherwise, prohibits firearms, handguns,
26 knives, or other weapons on the premises or part of the premises.

27 Sec. 365.002. TEMPORARY SECURE WEAPON STORAGE REQUIRED.

1 (a) A political subdivision must provide temporary secure weapon
2 storage for each building or portion of a building to which this
3 chapter applies for persons who enter the building or portion of the
4 building with a weapon prohibited in that building or portion of a
5 building.

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

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

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

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

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

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

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

26 (1) provide a key for reopening; or

27 (2) reopen by other electronic means, such as by a

1 fingerprint scan or entry of a numeric code.

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

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

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

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

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

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

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

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

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

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

27 (e) A political subdivision that provides temporary secure

1 weapon storage under this section shall ensure that:

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

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

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

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

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

26 (c) At each location where a weapon may be placed in a
27 self-service weapon locker or other temporary secure storage, the

1 political subdivision shall put up a sign that describes the
2 process for reclaiming a weapon that was left in a self-service
3 weapon locker or other temporary secure storage for more than one
4 business day.

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

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

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

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

19 (h) Only a firearms dealer licensed under 18 U.S.C. Section
20 923 may purchase a firearm at public sale under this section.

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

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

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