

By: Swanson

H.B. No. 143

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 Section 1.07, Penal Code; 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 designated state agency employee under Section  
12 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) A self-service weapon locker must allow secure locking  
18 by the user and:

19 (1) provide a key for reopening; or

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

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

26 Sec. 2165.454. TEMPORARY SECURE WEAPON STORAGE  
27 ADMINISTERED BY AGENCY EMPLOYEE. (a) A state agency may provide

1 temporary secure weapon storage operated by a designated agency  
2 employee for a building or portion of a building in which weapons  
3 are prohibited.

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

7 (c) If a person chooses to give to the designated employee  
8 the person's weapon for temporary secure storage, the employee  
9 shall:

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

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

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

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

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

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

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

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

27 (2) a person who is choosing to place the weapon in

1 storage or retrieving the weapon from storage is not required to  
2 wait more than five minutes.

3 Sec. 2165.455. FEES. A state agency under this chapter may  
4 collect a fee for the use of a self-service weapon locker or other  
5 temporary secure weapon storage.

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 for the

1 extended storage of 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; and

25 (B) generally open to the public; and

26 (2) in which:

27 (A) carrying a firearm, handgun, knife, or other

1 weapon on the premises or part of the premises would violate Chapter  
2 46, Penal Code, or other law; or

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

6 (b) This chapter does not apply to:

7 (1) a penal institution, as that term is defined by  
8 Section 1.07, Penal Code; or

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

11 Sec. 365.002. TEMPORARY SECURE WEAPON STORAGE. (a) A  
12 political subdivision may provide temporary secure weapon storage  
13 for a building or portion of a building to which this chapter  
14 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 may be provided by:

18 (1) self-service weapon lockers described by Section  
19 365.003; or

20 (2) other temporary secure weapon storage operated at  
21 all times by a designated employee of the political subdivision  
22 under Section 365.004.

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

27 (b) A self-service weapon locker must allow secure locking

1 by the user and:

2 (1) provide a key for reopening; or

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

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

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

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

17 (c) If a person chooses to give to the designated employee  
18 the person's weapon for temporary secure storage, the employee  
19 shall:

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

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

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

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

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

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

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

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

11           (2) a person who is choosing to place the weapon in  
12 storage or retrieving the weapon from storage is not required to  
13 wait more than five minutes.

14           Sec. 365.005. FEES. A political subdivision under this  
15 chapter may collect a fee for the use of a self-service weapon  
16 locker or other temporary secure weapon storage.

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

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



1 in a self-service weapon locker or other temporary secure storage,  
2 the political subdivision shall notify the person by using that  
3 telephone number.

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

9 (d) The political subdivision may require identification or  
10 other evidence of ownership before returning the unclaimed weapon.  
11 On return of the weapon, the political subdivision may charge a fee  
12 for the extended storage of 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, 2019.