

1-1 By: Swanson, et al. (Senate Sponsor - Hughes) H.B. No. 29
 1-2 (In the Senate - Received from the House April 19, 2021;
 1-3 May 6, 2021, read first time and referred to Committee on State
 1-4 Affairs; May 12, 2021, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
 1-6 May 12, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17			X	

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 29 By: Hughes

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to authorizing the provision of temporary secure storage
 1-22 for weapons at certain public buildings; authorizing fees.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Chapter 2165, Government Code, is amended by
 1-25 adding Subchapter J to read as follows:

1-26 SUBCHAPTER J. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC
 1-27 BUILDINGS

1-28 Sec. 2165.451. APPLICABILITY. (a) This subchapter applies
 1-29 to a building or portion of a building:

1-30 (1) that is:

1-31 (A) used by an agency of this state; and

1-32 (B) generally open to the public; and

1-33 (2) in which:

1-34 (A) carrying a handgun or other firearm,
 1-35 location-restricted knife, club, or other weapon on the premises or
 1-36 part of the premises would violate Chapter 46, Penal Code, or other
 1-37 law; or

1-38 (B) the state agency in control of the building,
 1-39 by sign or otherwise, prohibits handguns or other firearms,
 1-40 location-restricted knives, clubs, or other weapons on the premises
 1-41 or part of the premises.

1-42 (b) This subchapter does not apply to:

1-43 (1) a penal institution, as that term is defined by
 1-44 Section 1.07, Penal Code; or

1-45 (2) a public primary or secondary school or
 1-46 institution of higher education.

1-47 Sec. 2165.452. TEMPORARY SECURE WEAPON STORAGE. (a) A
 1-48 state agency may provide temporary secure weapon storage for a
 1-49 building or portion of a building to which this subchapter applies
 1-50 for persons who enter the building or portion of the building with a
 1-51 weapon prohibited in that building or portion of the building.

1-52 (b) The temporary secure weapon storage may be provided by:

1-53 (1) self-service weapon lockers described by Section
 1-54 2165.453; or

1-55 (2) other temporary secure weapon storage operated at
 1-56 all times by a designated state agency employee under Section
 1-57 2165.454.

1-58 Sec. 2165.453. SELF-SERVICE WEAPON LOCKERS FOR TEMPORARY
 1-59 SECURE STORAGE. (a) A state agency may provide self-service weapon
 1-60 lockers for the temporary secure storage of any weapon prohibited

2-1 in a building or portion of a building.

2-2 (b) A self-service weapon locker must allow secure locking
2-3 by the user and:

2-4 (1) provide a key for reopening; or

2-5 (2) reopen by electronic means, such as by a
2-6 fingerprint scan or entry of a numeric code.

2-7 (c) A state agency may require a person to submit the
2-8 person's name, the number of the person's driver's license or other
2-9 form of identification, and the person's telephone number as a
2-10 condition for use of a self-service weapon locker.

2-11 (d) A person placing a weapon in a self-service weapon
2-12 locker may designate an alternate person to whom the weapon may be
2-13 released if the person is not able to reclaim the person's weapon
2-14 before the 30th day after the date the weapon was placed in the
2-15 locker.

2-16 Sec. 2165.454. TEMPORARY SECURE WEAPON STORAGE
2-17 ADMINISTERED BY AGENCY EMPLOYEE. (a) A state agency may provide
2-18 temporary secure weapon storage operated by a designated agency
2-19 employee for a building or portion of a building in which weapons
2-20 are prohibited.

2-21 (b) The weapons in temporary secure weapon storage must be
2-22 held in a safe, locker, or other location that is locked and
2-23 accessible only to the designated employee.

2-24 (c) If a person chooses to give to the designated employee
2-25 the person's weapon for temporary secure storage, the employee
2-26 shall:

2-27 (1) securely affix a claim tag to the weapon;

2-28 (2) provide the person with a claim receipt for
2-29 reclaiming the weapon;

2-30 (3) record the person's name, the number of the
2-31 person's driver's license or other form of identification, and the
2-32 person's telephone number; and

2-33 (4) if designated by the person placing the weapon in
2-34 temporary secure weapon storage, record the name of an alternate
2-35 person to whom the weapon may be released if the person is not able
2-36 to reclaim the person's weapon before the 30th day after the date
2-37 the weapon was placed in storage.

2-38 (d) A person may reclaim the person's weapon by showing the
2-39 designated employee operating the temporary secure weapon storage:

2-40 (1) the claim receipt given to the person at the time
2-41 the weapon was placed in temporary secure storage; or

2-42 (2) the person's driver's license or other form of
2-43 identification.

2-44 (e) A state agency that provides temporary secure weapon
2-45 storage under this section shall ensure that:

2-46 (1) the temporary secure weapon storage is available
2-47 and monitored by a designated agency employee at all times that the
2-48 building or portion of the building is open to the public; and

2-49 (2) a person who is choosing to place the weapon in
2-50 storage or retrieving the weapon from storage is not required to
2-51 wait more than a reasonable period.

2-52 Sec. 2165.455. FEES. A state agency under this subchapter
2-53 may collect a fee for the use of a self-service weapon locker or
2-54 other temporary secure weapon storage.

2-55 Sec. 2165.456. UNCLAIMED WEAPONS. (a) A weapon that is
2-56 unclaimed at the end of a business day may be removed from the
2-57 self-service weapon locker or other temporary secure storage and
2-58 placed in another secure location.

2-59 (b) If practicable, the state agency shall notify the person
2-60 who placed the weapon in a self-service weapon locker or other
2-61 temporary secure storage that the weapon is in the custody of the
2-62 state agency and is subject to forfeiture if not reclaimed before
2-63 the 30th day after the date the weapon was placed in a self-service
2-64 weapon locker or other temporary secure storage. If the person
2-65 provided a telephone number when the weapon was placed in a
2-66 self-service weapon locker or other temporary secure storage, the
2-67 state agency shall notify the person by using that telephone
2-68 number.

2-69 (c) At each location where a weapon may be placed in a

3-1 self-service weapon locker or other temporary secure storage, the
3-2 state agency shall post a sign that describes the process for
3-3 reclaiming a weapon left in a self-service weapon locker or other
3-4 temporary secure storage for more than one business day.

3-5 (d) The state agency may require identification or other
3-6 evidence of ownership before returning the unclaimed weapon. On
3-7 return of the weapon, the state agency may charge a fee for the
3-8 extended storage of the weapon.

3-9 (e) If the weapon is not reclaimed before the 30th day after
3-10 the date the weapon was placed in a self-service weapon locker or
3-11 other temporary secure storage, the weapon is forfeited.

3-12 (f) If the forfeited weapon may not be legally possessed in
3-13 this state, the state agency shall turn the weapon over to local law
3-14 enforcement as evidence or for destruction.

3-15 (g) If a person may legally possess the weapon in this
3-16 state:

3-17 (1) the forfeited weapon may be sold at public sale by
3-18 an auctioneer licensed under Chapter 1802, Occupations Code; or

3-19 (2) the law enforcement agency holding the weapon may
3-20 release the weapon to another person if:

3-21 (A) the person:

3-22 (i) claims a right to or interest in the
3-23 weapon and provides an affidavit confirming that the person wholly
3-24 or partly owns the weapon or otherwise has a right to or interest in
3-25 the weapon; or

3-26 (ii) is an alternate person designated by
3-27 the person under Section 2165.453(d) or 2165.454(c)(4); and

3-28 (B) for a weapon that is a firearm, the law
3-29 enforcement agency conducts a check of state and national criminal
3-30 history record information and verifies that the person may
3-31 lawfully possess a firearm under 18 U.S.C. Section 922(g).

3-32 (h) Only a firearms dealer licensed under 18 U.S.C. Section
3-33 923 may purchase a firearm at public sale under this section.

3-34 (i) Proceeds from the sale of a weapon under this section
3-35 shall be transferred, after the deduction of auction costs, to the
3-36 general revenue fund.

3-37 SECTION 2. Subtitle C, Title 11, Local Government Code, is
3-38 amended by adding Chapter 365 to read as follows:

3-39 CHAPTER 365. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC
3-40 BUILDINGS

3-41 Sec. 365.001. APPLICABILITY. (a) This chapter applies to a
3-42 building or portion of a building:

3-43 (1) that is:

3-44 (A) used by a political subdivision of this
3-45 state; and

3-46 (B) generally open to the public; and

3-47 (2) in which:

3-48 (A) carrying a handgun or other firearm,
3-49 location-restricted knife, club, or other weapon on the premises or
3-50 part of the premises would violate Chapter 46, Penal Code, or other
3-51 law; or

3-52 (B) the political subdivision in control of the
3-53 building, by sign or otherwise, prohibits handguns or other
3-54 firearms, location-restricted knives, clubs, or other weapons on
3-55 the premises or part of the premises.

3-56 (b) This chapter does not apply to:

3-57 (1) a penal institution, as that term is defined by
3-58 Section 1.07, Penal Code; or

3-59 (2) a public primary or secondary school or
3-60 institution of higher education.

3-61 Sec. 365.002. TEMPORARY SECURE WEAPON STORAGE. (a) A
3-62 political subdivision may provide temporary secure weapon storage
3-63 for a building or portion of a building to which this chapter
3-64 applies for persons who enter the building or portion of the
3-65 building with a weapon prohibited in that building or portion of the
3-66 building.

3-67 (b) The temporary secure weapon storage may be provided by:

3-68 (1) self-service weapon lockers described by Section
3-69 365.003; or

4-1 (2) other temporary secure weapon storage operated at
4-2 all times by a designated employee of the political subdivision
4-3 under Section 365.004.

4-4 Sec. 365.003. SELF-SERVICE WEAPON LOCKERS FOR TEMPORARY
4-5 SECURE STORAGE. (a) A political subdivision may provide
4-6 self-service weapon lockers for the temporary secure storage of any
4-7 weapon prohibited in a building or portion of a building.

4-8 (b) A self-service weapon locker must allow secure locking
4-9 by the user and:

4-10 (1) provide a key for reopening; or

4-11 (2) reopen by electronic means, such as by a
4-12 fingerprint scan or entry of a numeric code.

4-13 (c) A political subdivision may require a person to submit
4-14 the person's name, the number of the person's driver's license or
4-15 other form of identification, and the person's telephone number as
4-16 a condition for use of a self-service weapon locker.

4-17 (d) A person placing a weapon in a self-service weapon
4-18 locker may designate an alternate person to whom the weapon may be
4-19 released if the person is not able to reclaim the person's weapon
4-20 before the 30th day after the date the weapon was placed in the
4-21 locker.

4-22 Sec. 365.004. TEMPORARY SECURE WEAPON STORAGE ADMINISTERED
4-23 BY EMPLOYEE OF POLITICAL SUBDIVISION. (a) A political subdivision
4-24 may provide temporary secure weapon storage operated by a
4-25 designated employee of the political subdivision for a building or
4-26 portion of a building in which weapons are prohibited.

4-27 (b) The weapons in temporary secure weapon storage must be
4-28 held in a safe, locker, or other location that is locked and
4-29 accessible only to the designated employee.

4-30 (c) If a person chooses to give to the designated employee
4-31 the person's weapon for temporary secure storage, the employee
4-32 shall:

4-33 (1) securely affix a claim tag to the weapon;

4-34 (2) provide the person with a claim receipt for
4-35 reclaiming the weapon;

4-36 (3) record the person's name, the number of the
4-37 person's driver's license or other form of identification, and the
4-38 person's telephone number; and

4-39 (4) if designated by the person placing the weapon in
4-40 temporary secure weapon storage, record the name of an alternate
4-41 person to whom the weapon may be released if the person is not able
4-42 to reclaim the person's weapon before the 30th day after the date
4-43 the weapon was placed in storage.

4-44 (d) A person may reclaim the person's weapon by showing the
4-45 designated employee operating the temporary secure weapon storage:

4-46 (1) the claim receipt given to the person at the time
4-47 the weapon was placed in temporary secure storage; or

4-48 (2) the person's driver's license or other form of
4-49 identification.

4-50 (e) A political subdivision that provides temporary secure
4-51 weapon storage under this section shall ensure that:

4-52 (1) the temporary secure weapon storage is available
4-53 and monitored by a designated employee of the political subdivision
4-54 at all times that the building or portion of the building is open to
4-55 the public; and

4-56 (2) a person who is choosing to place the weapon in
4-57 storage or retrieving the weapon from storage is not required to
4-58 wait more than a reasonable period.

4-59 Sec. 365.005. FEES. A political subdivision under this
4-60 chapter may collect a fee for the use of a self-service weapon
4-61 locker or other temporary secure weapon storage.

4-62 Sec. 365.006. UNCLAIMED WEAPONS. (a) A weapon that is
4-63 unclaimed at the end of a business day may be removed from the
4-64 self-service weapon locker or other temporary secure storage and
4-65 placed in another secure location.

4-66 (b) If practicable, the political subdivision shall notify
4-67 the person who placed the weapon in a self-service weapon locker or
4-68 other temporary secure storage that the weapon is in the custody of
4-69 the political subdivision and is subject to forfeiture if not

5-1 reclaimed before the 30th day after the date the weapon was placed
5-2 in a self-service weapon locker or other temporary secure storage.
5-3 If the person provided a telephone number when the weapon was placed
5-4 in a self-service weapon locker or other temporary secure storage,
5-5 the political subdivision shall notify the person by using that
5-6 telephone number.

5-7 (c) At each location where a weapon may be placed in a
5-8 self-service weapon locker or other temporary secure storage, the
5-9 political subdivision shall post a sign that describes the process
5-10 for reclaiming a weapon left in a self-service weapon locker or
5-11 other temporary secure storage for more than one business day.

5-12 (d) The political subdivision may require identification or
5-13 other evidence of ownership before returning the unclaimed weapon.
5-14 On return of the weapon, the political subdivision may charge a fee
5-15 for the extended storage of the weapon.

5-16 (e) If the weapon is not reclaimed before the 30th day after
5-17 the date the weapon was placed in a self-service weapon locker or
5-18 other temporary secure storage, the weapon is forfeited.

5-19 (f) If the forfeited weapon may not be legally possessed in
5-20 this state, the political subdivision shall turn the weapon over to
5-21 local law enforcement as evidence or for destruction.

5-22 (g) If a person may legally possess the weapon in this
5-23 state:

5-24 (1) the forfeited weapon may be sold at public sale by
5-25 an auctioneer licensed under Chapter 1802, Occupations Code; or

5-26 (2) the law enforcement agency holding the weapon may
5-27 release the weapon to another person if:

5-28 (A) the person:

5-29 (i) claims a right to or interest in the
5-30 weapon and provides an affidavit confirming that the person wholly
5-31 or partly owns the weapon or otherwise has a right to or interest in
5-32 the weapon; or

5-33 (ii) is an alternate person designated by
5-34 the person under Section 365.003(d) or 365.004(c)(4); and

5-35 (B) for a weapon that is a firearm, the law
5-36 enforcement agency conducts a check of state and national criminal
5-37 history record information and verifies that the person may
5-38 lawfully possess a firearm under 18 U.S.C. Section 922(g).

5-39 (h) Only a firearms dealer licensed under 18 U.S.C. Section
5-40 923 may purchase a firearm at public sale under this section.

5-41 (i) Proceeds from the sale of a weapon under this section
5-42 shall be transferred, after the deduction of auction costs, to the
5-43 treasury of the political subdivision.

5-44 SECTION 3. This Act takes effect September 1, 2021.

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