

By: Meza

H.B. No. 238

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of firearms or ammunition by a municipality or county.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 229.001, Local Government Code, is amended to read as follows:

Sec. 229.001. [~~FIREARMS,~~] AIR GUNS; KNIVES; EXPLOSIVES.

SECTION 2. Sections 229.001(a), (b), (c), and (d), Local Government Code, are amended to read as follows:

(a) Notwithstanding any other law, including Section 43.002 of this code and Chapter 251, Agriculture Code, a municipality may not adopt regulations relating to:

(1) the transfer, possession, wearing, carrying, ownership, storage, transportation, licensing, or registration of [~~firearms,~~] air guns, knives, [~~ammunition,~~] or [~~firearm or~~] air gun supplies or accessories;

(2) commerce in [~~firearms,~~] air guns, knives, [~~ammunition,~~] or [~~firearm or~~] air gun supplies or accessories; or

(3) the discharge of an [~~a firearm or~~] air gun at a sport shooting range.

(b) Subsection (a) does not affect the authority a municipality has under another law to:

(1) require residents or public employees to be armed for personal or national defense, law enforcement, or another

1 lawful purpose;

2 (2) regulate the discharge of [~~firearms or~~] air guns
3 within the limits of the municipality, other than at a sport
4 shooting range;

5 (3) [~~except as provided by Subsection (b-1),~~] adopt or
6 enforce a generally applicable zoning ordinance, land use
7 regulation, fire code, or business ordinance;

8 (4) regulate the use of [~~firearms,~~] air guns[~~,~~] or
9 knives in the case of an insurrection, riot, or natural disaster if
10 the municipality finds the regulations necessary to protect public
11 health and safety;

12 (5) [~~regulate the storage or transportation of~~
13 ~~explosives to protect public health and safety, except that 25~~
14 ~~pounds or less of black powder for each private residence and 50~~
15 ~~pounds or less of black powder for each retail dealer are not~~
16 ~~subject to regulation,~~

17 [~~(6)~~] regulate the carrying of an [~~a firearm or~~] air
18 gun by a person [~~other than a person licensed to carry a handgun~~
19 ~~under Subchapter H, Chapter 411, Government Code,~~] at a:

20 (A) public park;

21 (B) public meeting of a municipality, county, or
22 other governmental body;

23 (C) political rally, parade, or official
24 political meeting; or

25 (D) nonfirearms-related school, college, or
26 professional athletic event;

27 (6) [~~(7)~~] ~~regulate the carrying of a firearm by a~~

1 ~~person licensed to carry a handgun under Subchapter H, Chapter 411,~~
2 ~~Government Code, in accordance with Section 411.209, Government~~
3 ~~Code;~~

4 ~~[(8)]~~ regulate the hours of operation of a sport
5 shooting range, except that the hours of operation may not be more
6 limited than the least limited hours of operation of any other
7 business in the municipality other than a business permitted or
8 licensed to sell or serve alcoholic beverages for on-premises
9 consumption; or

10 (7) ~~[(9)]~~ regulate the carrying of an air gun by a
11 minor on:

12 (A) public property; or

13 (B) private property without consent of the
14 property owner ~~[, or~~

15 ~~[(10) except as provided by Subsection (d-1), regulate~~
16 ~~or prohibit an employee's carrying or possession of a firearm,~~
17 ~~firearm accessory, or ammunition in the course of the employee's~~
18 ~~official duties].~~

19 (c) The exception provided by Subsection (b)(5) ~~[(b)(6)]~~
20 does not apply if the ~~[firearm or]~~ air gun is in or is carried to or
21 from an area designated for use in a lawful hunting, fishing, or
22 other sporting event and the ~~[firearm or]~~ air gun is of the type
23 commonly used in the activity.

24 (d) The exception provided by Subsection (b)(4) does not
25 authorize the seizure or confiscation of any ~~[firearm,~~
26 knife, ~~[ammunition,~~ or ~~[firearm or]~~ air gun supplies or
27 accessories from an individual who is lawfully carrying or

1 possessing the [~~firearm,~~] air gun, knife, [~~ammunition,~~] or [~~firearm~~
2 ~~or~~] air gun supplies or accessories.

3 SECTION 3. Section 229.001(e)(3), Local Government Code, is
4 amended to read as follows:

5 (3) "Air gun accessory" [~~"Firearm or air gun~~
6 ~~accessory"~~] means a device specifically designed or adapted to:

7 (A) enable the wearing or carrying by a person,
8 or the storage or mounting in or on a conveyance, of an [~~a firearm~~
9 ~~or~~] air gun; or

10 (B) be inserted into or affixed to an [~~a firearm~~
11 ~~or~~] air gun to enable, alter, or improve the functioning or
12 capabilities of the air gun [~~firearm~~].

13 SECTION 4. Section 235.023, Local Government Code, is
14 amended to read as follows:

15 Sec. 235.023. PROHIBITED REGULATIONS. This subchapter does
16 not authorize the commissioners court to regulate the transfer,
17 ownership, possession, or transportation of [~~firearms or~~] air guns
18 and does not authorize the court to require the registration of
19 [~~firearms or~~] air guns.

20 SECTION 5. The heading to Chapter 236, Local Government
21 Code, is amended to read as follows:

22 CHAPTER 236. COUNTY REGULATION OF AIR GUNS [~~FIREARMS~~], KNIVES,
23 [~~AMMUNITION, FIREARM SUPPLIES,~~] AND SPORT SHOOTING RANGES

24 SECTION 6. Section 236.001(1), Local Government Code, is
25 amended to read as follows:

26 (1) "Air gun" [~~"Air gun," "ammunition,"~~] and "air gun
27 accessory" [~~"firearm or air gun accessory"~~] have the meanings

1 assigned by Section 229.001.

2 SECTION 7. The heading to Section 236.002, Local Government
3 Code, is amended to read as follows:

4 Sec. 236.002. [~~FIREARMS,~~] AIR GUNS; KNIVES; SPORT SHOOTING
5 RANGE.

6 SECTION 8. Sections 236.002(a) and (c), Local Government
7 Code, are amended to read as follows:

8 (a) Notwithstanding any other law, including Chapter 251,
9 Agriculture Code, a county may not adopt or enforce regulations
10 relating to:

11 (1) the transfer, possession, wearing, carrying,
12 ownership, storage, transportation, licensing, or registration of
13 [~~firearms,~~] air guns, knives, [~~ammunition,~~] or [~~firearm or~~] air gun
14 supplies or accessories;

15 (2) commerce in [~~firearms,~~] air guns, knives,
16 [~~ammunition,~~] or [~~firearm or~~] air gun supplies or accessories; or

17 (3) the discharge of an [~~a firearm or~~] air gun at a
18 sport shooting range.

19 (c) Subsection (a) does not affect the authority of a county
20 to:

21 (1) require a resident or public employee to be armed
22 for personal or national defense, law enforcement, or other purpose
23 under other law;

24 (2) regulate the discharge of [~~firearms or~~] air guns
25 in accordance with Section 235.022; or

26 (3) [~~regulate the carrying of a firearm by a person~~
27 ~~licensed to carry a handgun under Subchapter H, Chapter 411,~~

1 ~~Government Code, in accordance with Section 411.209, Government~~
2 ~~Code,~~

3 ~~[(4) except as provided by Subsection (d),]~~ adopt or
4 enforce a generally applicable land use regulation, fire code, or
5 business regulation ~~[, or~~

6 ~~[(5) except as provided by Subsection (e), regulate or~~
7 ~~prohibit an employee's carrying or possession of a firearm, firearm~~
8 ~~accessory, or ammunition in the course of the employee's official~~
9 ~~duties].~~

10 SECTION 9. Section 236.003, Local Government Code, is
11 amended to read as follows:

12 Sec. 236.003. REGULATION OF OUTDOOR SPORT SHOOTING RANGE.
13 Notwithstanding Section 236.002, a county may regulate the
14 discharge of an ~~[a firearm or]~~ air gun at an outdoor sport shooting
15 range as provided by Subchapter B, Chapter 235.

16 SECTION 10. The following provisions of the Local
17 Government Code are repealed:

- 18 (1) Sections 229.001(b-1) and (d-1);
- 19 (2) Section 229.001(e)(2);
- 20 (3) Sections 236.002(d) and (e); and
- 21 (4) Section 342.003(b).

22 SECTION 11. This Act takes effect immediately if it
23 receives a vote of two-thirds of all the members elected to each
24 house, as provided by Section 39, Article III, Texas Constitution.
25 If this Act does not receive the vote necessary for immediate
26 effect, this Act takes effect September 1, 2021.