

By: Leman, Cain, Paul, Vasut, Schofield,
et al.

H.B. No. 4346

Substitute the following for H.B. No. 4346:

By: Patterson

C.S.H.B. No. 4346

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the possession, carrying, or transportation of a
3 firearm by certain persons during the use of an easement.

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

5 SECTION 1. Subchapter A, Chapter 5, Property Code, is
6 amended by adding Section 5.020 to read as follows:

7 Sec. 5.020. EASEMENTS RESTRICTING POSSESSION OF FIREARMS
8 PROHIBITED. (a) In this section, "firearm" has the meaning
9 assigned by Section 46.01, Penal Code. The term includes any
10 firearm parts, firearm accessories, and firearm ammunition.

11 (b) An instrument granting an access easement or
12 appurtenant easement may not restrict or prohibit an easement
13 holder or an easement holder's guest from possessing, carrying, or
14 transporting a firearm while using the easement for the easement's
15 purpose.

16 (c) The owner of a servient estate may not enforce a
17 restrictive covenant in an instrument granting an easement on the
18 servient estate that restricts or prohibits the easement holder or
19 the easement holder's guest from possessing, carrying, or
20 transporting a firearm while using the easement for the easement's
21 purpose.

22 SECTION 2. Section 5.020, Property Code, as added by this
23 Act, applies to an easement granted before, on, or after the
24 effective date of this Act.

1 SECTION 3. This Act takes effect September 1, 2021.