

1-1 By: Creighton, et al. S.B. No. 18  
 1-2 (In the Senate - Filed February 24, 2021; March 3, 2021,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 April 12, 2021, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 7, Nays 0; April 12, 2021,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9				
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 S.B. No. 18 By: Hall

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

1-21 relating to authority of the governor and certain political  
 1-22 subdivisions to regulate firearms, ammunition, knives, air guns,  
 1-23 explosives, and combustibles and certain associated businesses  
 1-24 during certain disasters and emergencies.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 418.003, Government Code, is amended to  
 1-27 read as follows:

1-28 Sec. 418.003. LIMITATIONS. This chapter does not:

1-29 (1) limit the governor's authority to apply for,  
 1-30 administer, or expend any grant, gift, or payment in aid of disaster  
 1-31 mitigation, preparedness, response, or recovery;

1-32 (2) interfere with the course or conduct of a labor  
 1-33 dispute, except that actions otherwise authorized by this chapter  
 1-34 or other laws may be taken when necessary to forestall or mitigate  
 1-35 imminent or existing danger to public health or safety;

1-36 (3) interfere with dissemination of news or comment on  
 1-37 public affairs, but any communications facility or organization,  
 1-38 including radio and television stations, wire services, and  
 1-39 newspapers, may be required to transmit or print public service  
 1-40 messages furnishing information or instructions in connection with  
 1-41 a disaster or potential disaster;

1-42 (4) affect the jurisdiction or responsibilities of  
 1-43 police forces, fire-fighting forces, units of the armed forces of  
 1-44 the United States, or of any of their personnel when on active duty,  
 1-45 but state, local, and interjurisdictional emergency management  
 1-46 plans shall place reliance on the forces available for performance  
 1-47 of functions related to disasters;

1-48 (5) except as provided by Section 418.184, authorize  
 1-49 the seizure or confiscation of any firearm or ammunition from an  
 1-50 individual who is lawfully carrying or possessing the firearm or  
 1-51 ammunition; ~~or~~

1-52 (6) limit, modify, or abridge the authority of the  
 1-53 governor to proclaim martial law or exercise any other powers  
 1-54 vested in the governor under the constitution or laws of this state  
 1-55 independent of or in conjunction with any provisions of this  
 1-56 chapter; or

1-57 (7) authorize any person to prohibit or restrict the  
 1-58 business or operations of a firearms or ammunition manufacturer,  
 1-59 distributor, wholesaler, supplier, or retailer or a sport shooting  
 1-60 range, as defined by Section 250.001, Local Government Code, in

2-1 connection with a disaster.

2-2 SECTION 2. Section 418.019, Government Code, is amended to  
2-3 read as follows:

2-4 Sec. 418.019. RESTRICTED SALE AND TRANSPORTATION OF  
2-5 MATERIALS. The governor may suspend or limit the sale, dispensing,  
2-6 or transportation of alcoholic beverages, ~~[firearms,]~~ explosives,  
2-7 and combustibles, other than explosives or combustibles that are  
2-8 components of firearm ammunition.

2-9 SECTION 3. Section 433.002(b), Government Code, is amended  
2-10 to read as follows:

2-11 (b) The directive may provide for:  
2-12 (1) control of public and private transportation in  
2-13 the affected area;

2-14 (2) designation of specific zones in the affected area  
2-15 in which, if necessary, the use and occupancy of buildings and  
2-16 vehicles may be controlled;

2-17 (3) control of the movement of persons;

2-18 (4) control of places of amusement or assembly;

2-19 (5) establishment of curfews;

2-20 (6) control of the sale, transportation, and use of  
2-21 alcoholic beverages ~~[, weapons, and ammunition, except as provided~~  
2-22 ~~by Section 433.0045];~~ and

2-23 (7) control of the storage, use, and transportation of  
2-24 explosives or flammable materials considered dangerous to public  
2-25 safety, other than explosives or flammable materials that are  
2-26 components of firearm ammunition.

2-27 SECTION 4. Section 433.0045(a), Government Code, is amended  
2-28 to read as follows:

2-29 (a) A directive issued under this chapter may not:

2-30 (1) authorize the seizure or confiscation of any  
2-31 firearm or ammunition from an individual who is lawfully carrying  
2-32 or possessing the firearm or ammunition; or

2-33 (2) prohibit or restrict the business or operations of  
2-34 a firearms or ammunition manufacturer, distributor, wholesaler,  
2-35 supplier, or retailer or a sport shooting range, as defined by  
2-36 Section 250.001, Local Government Code, in connection with a state  
2-37 of emergency.

2-38 SECTION 5. Sections 229.001(b), (c), (d), and (d-1), Local  
2-39 Government Code, are amended to read as follows:

2-40 (b) Subsection (a) does not affect the authority a  
2-41 municipality has under another law to:

2-42 (1) require residents or public employees to be armed  
2-43 for personal or national defense, law enforcement, or another  
2-44 lawful purpose;

2-45 (2) regulate the discharge of firearms or air guns  
2-46 within the limits of the municipality, other than at a sport  
2-47 shooting range;

2-48 (3) except as provided by Subsection (b-1), adopt or  
2-49 enforce a generally applicable zoning ordinance, land use  
2-50 regulation, fire code, or business ordinance;

2-51 (4) ~~[regulate the use of firearms, air guns, or knives~~  
2-52 ~~in the case of an insurrection, riot, or natural disaster if the~~  
2-53 ~~municipality finds the regulations necessary to protect public~~  
2-54 ~~health and safety;~~

2-55 ~~[(5)]~~ regulate the storage or transportation of  
2-56 explosives to protect public health and safety, except that 25  
2-57 pounds or less of black powder for each private residence and 50  
2-58 pounds or less of black powder for each retail dealer are not  
2-59 subject to regulation;

2-60 (5) ~~[(6)]~~ regulate the carrying of a firearm or air  
2-61 gun by a person other than a person licensed to carry a handgun  
2-62 under Subchapter H, Chapter 411, Government Code, at a:

2-63 (A) public park;

2-64 (B) public meeting of a municipality, county, or  
2-65 other governmental body;

2-66 (C) political rally, parade, or official  
2-67 political meeting; or

2-68 (D) nonfirearms-related school, college, or  
2-69 professional athletic event;

3-1 (6) [~~(7)~~] regulate the carrying of a firearm by a  
3-2 person licensed to carry a handgun under Subchapter H, Chapter 411,  
3-3 Government Code, in accordance with Section 411.209, Government  
3-4 Code;

3-5 (7) [~~(8)~~] regulate the hours of operation of a sport  
3-6 shooting range, except that the hours of operation may not be more  
3-7 limited than the least limited hours of operation of any other  
3-8 business in the municipality other than a business permitted or  
3-9 licensed to sell or serve alcoholic beverages for on-premises  
3-10 consumption;

3-11 (8) [~~(9)~~] regulate the carrying of an air gun by a  
3-12 minor on:

3-13 (A) public property; or

3-14 (B) private property without consent of the  
3-15 property owner; or

3-16 (9) [~~(10)~~] except as provided by Subsection (d-1),  
3-17 regulate or prohibit an employee's carrying or possession of a  
3-18 firearm, firearm accessory, or ammunition in the course of the  
3-19 employee's official duties.

3-20 (c) The exception provided by Subsection (b)(5) [~~(b)(6)~~]  
3-21 does not apply if the firearm or air gun is in or is carried to or  
3-22 from an area designated for use in a lawful hunting, fishing, or  
3-23 other sporting event and the firearm or air gun is of the type  
3-24 commonly used in the activity.

3-25 (d) Nothing in this section may be construed to [~~The~~  
3-26 ~~exception provided by Subsection (b)(4) does not~~] authorize the  
3-27 seizure or confiscation of any firearm, air gun, knife, ammunition,  
3-28 or firearm or air gun supplies or accessories from an individual who  
3-29 is lawfully carrying or possessing the firearm, air gun, knife,  
3-30 ammunition, or firearm or air gun supplies or accessories.

3-31 (d-1) The exception provided by Subsection (b)(9) [~~(b)(10)~~]  
3-32 does not authorize a municipality to regulate an employee's  
3-33 carrying or possession of a firearm in violation of Subchapter G,  
3-34 Chapter 52, Labor Code.

3-35 SECTION 6. Chapters 418 and 433, Government Code, as  
3-36 amended by this Act, apply only to a declaration of disaster or  
3-37 local disaster or a proclamation of a state of emergency issued or  
3-38 renewed on or after the effective date of this Act. A declaration  
3-39 or proclamation issued before the effective date of this Act is  
3-40 governed by the law in effect immediately before the effective date  
3-41 of this Act, and that law is continued in effect for that purpose.

3-42 SECTION 7. This Act takes effect September 1, 2021.

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