

SENATE AMENDMENTS

2nd Printing

By: Swanson, White, Patterson, Hefner,
et al.

H.B. No. 29

A BILL TO BE ENTITLED

1 AN ACT
2 relating to authorizing the provision of temporary secure storage
3 for weapons at certain public buildings; authorizing fees.

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

5 SECTION 1. Chapter 2165, Government Code, is amended by
6 adding Subchapter J to read as follows:

7 SUBCHAPTER J. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC
8 BUILDINGS

9 Sec. 2165.451. APPLICABILITY. (a) This subchapter applies
10 to a building or portion of a building:

11 (1) that is:

12 (A) used by an agency of this state; and

13 (B) generally open to the public; and

14 (2) in which:

15 (A) carrying a handgun or other firearm,
16 location-restricted knife, club, or other weapon on the premises or
17 part of the premises would violate Chapter 46, Penal Code, or other
18 law; or

19 (B) the state agency in control of the building,
20 by sign or otherwise, prohibits handguns or other firearms,
21 location-restricted knives, clubs, or other weapons on the premises
22 or part of the premises.

23 (b) This subchapter does not apply to:

24 (1) a penal institution, as that term is defined by

1 Section 1.07, Penal Code; or

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

4 Sec. 2165.452. TEMPORARY SECURE WEAPON STORAGE. (a) A
5 state agency may provide temporary secure weapon storage for a
6 building or portion of a building to which this subchapter applies
7 for persons who enter the building or portion of the building with a
8 weapon prohibited in that building or portion of the building.

9 (b) The temporary secure weapon storage may be provided by:

10 (1) self-service weapon lockers described by Section
11 2165.453; or

12 (2) other temporary secure weapon storage operated at
13 all times by a designated state agency employee under Section
14 2165.454.

15 Sec. 2165.453. SELF-SERVICE WEAPON LOCKERS FOR TEMPORARY
16 SECURE STORAGE. (a) A state agency may provide self-service weapon
17 lockers for the temporary secure storage of any weapon prohibited
18 in a building or portion of a building.

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

21 (1) provide a key for reopening; or

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

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

1 Sec. 2165.454. TEMPORARY SECURE WEAPON STORAGE
2 ADMINISTERED BY AGENCY EMPLOYEE. (a) A state agency may provide
3 temporary secure weapon storage operated by a designated agency
4 employee for a building or portion of a building in which weapons
5 are prohibited.

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

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

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

13 (2) provide the person with a claim receipt for
14 reclaiming the weapon; and

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

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

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

22 (2) the person's driver's license or other form of
23 identification.

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

26 (1) the temporary secure weapon storage is available
27 and monitored by a designated agency employee at all times that the

1 building or portion of the building is open to the public; and

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

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

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

12 (b) If practicable, the state agency shall notify the person
13 who placed the weapon in a self-service weapon locker or other
14 temporary secure storage that the weapon is in the custody of the
15 state agency and is subject to forfeiture if not reclaimed before
16 the 30th day after the date the weapon was placed in a self-service
17 weapon locker or other temporary secure storage. If the person
18 provided a telephone number when the weapon was placed in a
19 self-service weapon locker or other temporary secure storage, the
20 state agency shall notify the person by using that telephone
21 number.

22 (c) At each location where a weapon may be placed in a
23 self-service weapon locker or other temporary secure storage, the
24 state agency shall post a sign that describes the process for
25 reclaiming a weapon left in a self-service weapon locker or other
26 temporary secure storage for more than one business day.

27 (d) The state agency may require identification or other

1 evidence of ownership before returning the unclaimed weapon. On
2 return of the weapon, the state agency may charge a fee for the
3 extended storage of the weapon.

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

7 (f) If the forfeited weapon may not be legally possessed in
8 this state, the state agency shall turn the weapon over to local law
9 enforcement as evidence or for destruction.

10 (g) If a person may legally possess the weapon in this
11 state, the weapon may be sold at public sale by an auctioneer
12 licensed under Chapter 1802, Occupations Code.

13 (h) Only a firearms dealer licensed under 18 U.S.C. Section
14 923 may purchase a firearm at public sale under this section.

15 (i) Proceeds from the sale of a weapon under this section
16 shall be transferred, after the deduction of auction costs, to the
17 general revenue fund.

18 SECTION 2. Subtitle C, Title 11, Local Government Code, is
19 amended by adding Chapter 365 to read as follows:

20 CHAPTER 365. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC
21 BUILDINGS

22 Sec. 365.001. APPLICABILITY. (a) This chapter applies to a
23 building or portion of a building:

24 (1) that is:

25 (A) used by a political subdivision of this
26 state; and

27 (B) generally open to the public; and

1 (2) in which:

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

6 (B) the political subdivision in control of the
7 building, by sign or otherwise, prohibits handguns or other
8 firearms, location-restricted knives, clubs, or other weapons on
9 the premises or part of the premises.

10 (b) This chapter does not apply to:

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

13 (2) a public primary or secondary school or
14 institution of higher education.

15 Sec. 365.002. TEMPORARY SECURE WEAPON STORAGE. (a) A
16 political subdivision may provide temporary secure weapon storage
17 for a building or portion of a building to which this chapter
18 applies for persons who enter the building or portion of the
19 building with a weapon prohibited in that building or portion of the
20 building.

21 (b) The temporary secure weapon storage may be provided by:

22 (1) self-service weapon lockers described by Section
23 365.003; or

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

27 Sec. 365.003. SELF-SERVICE WEAPON LOCKERS FOR TEMPORARY

1 SECURE STORAGE. (a) A political subdivision may provide
2 self-service weapon lockers for the temporary secure storage of any
3 weapon prohibited in a building or portion of a building.

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

6 (1) provide a key for reopening; or

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

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

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

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

21 (c) If a person chooses to give to the designated employee
22 the person's weapon for temporary secure storage, the employee
23 shall:

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

25 (2) provide the person with a claim receipt for
26 reclaiming the weapon; and

27 (3) record the person's name, the number of the

1 person's driver's license or other form of identification, and the
2 person's telephone number.

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

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

7 (2) the person's driver's license or other form of
8 identification.

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

11 (1) the temporary secure weapon storage is available
12 and monitored by a designated employee of the political subdivision
13 at all times that the building or portion of the building is open to
14 the public; and

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

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

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

25 (b) If practicable, the political subdivision shall notify
26 the person who placed the weapon in a self-service weapon locker or
27 other temporary secure storage that the weapon is in the custody of

1 the political subdivision and is subject to forfeiture if not
2 reclaimed before the 30th day after the date the weapon was placed
3 in a self-service weapon locker or other temporary secure storage.
4 If the person provided a telephone number when the weapon was placed
5 in a self-service weapon locker or other temporary secure storage,
6 the political subdivision shall notify the person by using that
7 telephone number.

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

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

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

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

23 (g) If a person may legally possess the weapon in this
24 state, the weapon may be sold at public sale by an auctioneer
25 licensed under Chapter 1802, Occupations Code.

26 (h) Only a firearms dealer licensed under 18 U.S.C. Section
27 923 may purchase a firearm at public sale under this section.

1 (i) Proceeds from the sale of a weapon under this section
2 shall be transferred, after the deduction of auction costs, to the
3 treasury of the political subdivision.

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

ADOPTED
MAY 20 2021

Latis Saw
Secretary of the Senate

By: *Bryan Hughes*

H.B. No. 29

Substitute the following for H.B. No. 29:

By: *Bryan Hughes*

C.S. H.B. No. 29

A BILL TO BE ENTITLED

1

AN ACT

2 relating to authorizing the provision of temporary secure storage
3 for weapons at certain public buildings; authorizing fees.

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

5 SECTION 1. Chapter 2165, Government Code, is amended by
6 adding Subchapter J to read as follows:

7 SUBCHAPTER J. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC
8 BUILDINGS

9 Sec. 2165.451. APPLICABILITY. (a) This subchapter applies
10 to a building or portion of a building:

11 (1) that is:

12 (A) used by an agency of this state; and

13 (B) generally open to the public; and

14 (2) in which:

15 (A) carrying a handgun or other firearm,
16 location-restricted knife, club, or other weapon on the premises or
17 part of the premises would violate Chapter 46, Penal Code, or other
18 law; or

19 (B) the state agency in control of the building,
20 by sign or otherwise, prohibits handguns or other firearms,
21 location-restricted knives, clubs, or other weapons on the premises
22 or part of the premises.

23 (b) This subchapter does not apply to:

24 (1) a penal institution, as that term is defined by

1 Section 1.07, Penal Code; or

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

4 Sec. 2165.452. TEMPORARY SECURE WEAPON STORAGE. (a) A
5 state agency may provide temporary secure weapon storage for a
6 building or portion of a building to which this subchapter applies
7 for persons who enter the building or portion of the building with a
8 weapon prohibited in that building or portion of the building.

9 (b) The temporary secure weapon storage may be provided by:

10 (1) self-service weapon lockers described by Section
11 2165.453; or

12 (2) other temporary secure weapon storage operated at
13 all times by a designated state agency employee under Section
14 2165.454.

15 Sec. 2165.453. SELF-SERVICE WEAPON LOCKERS FOR TEMPORARY
16 SECURE STORAGE. (a) A state agency may provide self-service weapon
17 lockers for the temporary secure storage of any weapon prohibited
18 in a building or portion of a building.

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

21 (1) provide a key for reopening; or

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

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

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

6 Sec. 2165.454. TEMPORARY SECURE WEAPON STORAGE
7 ADMINISTERED BY AGENCY EMPLOYEE. (a) A state agency may provide
8 temporary secure weapon storage operated by a designated agency
9 employee for a building or portion of a building in which weapons
10 are prohibited.

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

14 (c) If a person chooses to give to the designated employee
15 the person's weapon for temporary secure storage, the employee
16 shall:

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

18 (2) provide the person with a claim receipt for
19 reclaiming the weapon;

20 (3) record the person's name, the number of the
21 person's driver's license or other form of identification, and the
22 person's telephone number; and

23 (4) if designated by the person placing the weapon in
24 temporary secure weapon storage, record the name of an alternate
25 person to whom the weapon may be released if the person is not able
26 to reclaim the person's weapon before the 30th day after the date
27 the weapon was placed in storage.

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

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

5 (2) the person's driver's license or other form of
6 identification.

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

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

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

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

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

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

1 provided a telephone number when the weapon was placed in a
2 self-service weapon locker or other temporary secure storage, the
3 state agency shall notify the person by using that telephone
4 number.

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

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

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

17 (f) If the forfeited weapon may not be legally possessed in
18 this state, the state agency shall turn the weapon over to local law
19 enforcement as evidence or for destruction.

20 (g) If a person may legally possess the weapon in this
21 state:

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

24 (2) the law enforcement agency holding the weapon may
25 release the weapon to another person if:

26 (A) the person:

27 (i) claims a right to or interest in the

1 weapon and provides an affidavit confirming that the person wholly
2 or partly owns the weapon or otherwise has a right to or interest in
3 the weapon; or

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

6 (B) for a weapon that is a firearm, the law
7 enforcement agency conducts a check of state and national criminal
8 history record information and verifies that the person may
9 lawfully possess a firearm under 18 U.S.C. Section 922(g).

10 (h) Only a firearms dealer licensed under 18 U.S.C. Section
11 923 may purchase a firearm at public sale under this section.

12 (i) Proceeds from the sale of a weapon under this section
13 shall be transferred, after the deduction of auction costs, to the
14 general revenue fund.

15 SECTION 2. Subtitle C, Title 11, Local Government Code, is
16 amended by adding Chapter 365 to read as follows:

17 CHAPTER 365. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC
18 BUILDINGS

19 Sec. 365.001. APPLICABILITY. (a) This chapter applies to a
20 building or portion of a building:

21 (1) that is:

22 (A) used by a political subdivision of this
23 state; and

24 (B) generally open to the public; and

25 (2) in which:

26 (A) carrying a handgun or other firearm,
27 location-restricted knife, club, or other weapon on the premises or

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

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

7 (b) This chapter does not apply to:

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

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

12 Sec. 365.002. TEMPORARY SECURE WEAPON STORAGE. (a) A
13 political subdivision may provide temporary secure weapon storage
14 for a building or portion of a building to which this chapter
15 applies for persons who enter the building or portion of the
16 building with a weapon prohibited in that building or portion of the
17 building.

18 (b) The temporary secure weapon storage may be provided by:

19 (1) self-service weapon lockers described by Section
20 365.003; or

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

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

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

3 (1) provide a key for reopening; or

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

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

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

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

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

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

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

27 (2) provide the person with a claim receipt for

1 reclaiming the weapon;

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

5 (4) if designated by the person placing the weapon in
6 temporary secure weapon storage, record the name of an alternate
7 person to whom the weapon may be released if the person is not able
8 to reclaim the person's weapon before the 30th day after the date
9 the weapon was placed in storage.

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

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

14 (2) the person's driver's license or other form of
15 identification.

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

18 (1) the temporary secure weapon storage is available
19 and monitored by a designated employee of the political subdivision
20 at all times that the building or portion of the building is open to
21 the public; and

22 (2) a person who is choosing to place the weapon in
23 storage or retrieving the weapon from storage is not required to
24 wait more than a reasonable period.

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

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

5 (b) If practicable, the political subdivision shall notify
6 the person who placed the weapon in a self-service weapon locker or
7 other temporary secure storage that the weapon is in the custody of
8 the political subdivision and is subject to forfeiture if not
9 reclaimed before the 30th day after the date the weapon was placed
10 in a self-service weapon locker or other temporary secure storage.
11 If the person provided a telephone number when the weapon was placed
12 in a self-service weapon locker or other temporary secure storage,
13 the political subdivision shall notify the person by using that
14 telephone number.

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

20 (d) The political subdivision may require identification or
21 other evidence of ownership before returning the unclaimed weapon.
22 On return of the weapon, the political subdivision may charge a fee
23 for the extended storage of the weapon.

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

27 (f) If the forfeited weapon may not be legally possessed in

1 this state, the political subdivision shall turn the weapon over to
2 local law enforcement as evidence or for destruction.

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

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

7 (2) the law enforcement agency holding the weapon may
8 release the weapon to another person if:

9 (A) the person:

10 (i) claims a right to or interest in the
11 weapon and provides an affidavit confirming that the person wholly
12 or partly owns the weapon or otherwise has a right to or interest in
13 the weapon; or

14 (ii) is an alternate person designated by
15 the person under Section 365.003(d) or 365.004(c)(4); and

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

20 (h) Only a firearms dealer licensed under 18 U.S.C. Section
21 923 may purchase a firearm at public sale under this section.

22 (i) Proceeds from the sale of a weapon under this section
23 shall be transferred, after the deduction of auction costs, to the
24 treasury of the political subdivision.

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

ADOPTED

V V
MAY 20 2021

FLOOR AMENDMENT NO. 1

Latey Spaw
Secretary of the Senate

BY:

Bryan Hughes

Amend C.S.H.B. No. 29 (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 2165.455, Government Code (page 2, line 53), following "fee", insert "of not more than \$5".

(2) In SECTION 1 of the bill, in added Section 2165.456(d), Government Code (page 3, line 7), following "fee", insert "of not more than \$10 per day and not to exceed a total of \$150".

(3) In SECTION 2 of the bill, in added Section 365.005, Local Government Code (page 4, line 60), following "fee", insert "of not more than \$5".

(4) In SECTION 2 of the bill, in added Section 365.006(d), Local Government Code (page 5, line 14), following "fee", insert "of not more than \$10 per day and not to exceed a total of \$150".

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 23, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB29 by Swanson (Relating to authorizing the provision of temporary secure storage for weapons at certain public buildings; authorizing fees.), **As Passed 2nd House**

Costs and gains associated with implementing the provisions of the bill are dependent on the amount of secure weapons storage state agencies install in buildings under their control, fees state agencies charge for weapons storage, costs associated with storing unclaimed weapons, and proceeds from the sale of forfeited weapons. Therefore, the fiscal implications of the bill cannot be determined.

The bill would amend Chapter 2165, Government Code to authorize state agencies to provide temporary secure storage of weapons in buildings under their control, for a person who enters the building or portion of the building with a weapon that is prohibited in that building or portion of the building. The bill would require that the temporary secure weapons storage be provided by self-service weapon lockers or other temporary secure weapon storage operated at all times by a designated state agency employee. The bill would provide a process for securing weapons. The bill would authorize a state agency to collect a fee for temporary secure weapon storage.

The bill would prescribe a process for storage of unclaimed weapons. The bill would prescribe a process for notifying the person who placed the weapon in storage that the weapon is subject to forfeiture after 30 days in storage. After the weapon has been in storage for 30 days, if the weapon may be legally possessed in this state, the weapon may be sold at auction. Proceeds from the sale of forfeited weapons would be deposited to the General Revenue Fund.

It is unknown how many state agencies would choose to provide secure weapons storage, in how many buildings under their control they would provide secure weapons storage, the number of weapons that would be stored, the level of fees state agencies would set, the number of weapons that would be subject to forfeiture, and the amount of revenue the sale of forfeited revenue would generate for the state. Therefore, the fiscal implications of the bill are indeterminate.

As an example, the Texas Facilities Commission (TFC) provided an estimate of the costs of providing secure weapons storage using self-service weapons lockers. TFC estimates that implementing provisions of the bill would require the following one-time costs: installing 143 weapon lockers in 69 buildings at a cost of \$60,025, installing workstations with fingerprint scanners to provide receipts at deposit at a cost of \$174,570, and installing cameras to monitor retrieval at the weapon lockers at a cost of \$875,875. TFC estimates total one-time costs of \$1.1 million. TFC estimates ongoing costs associated with adding 1.0 FTE to monitor and maintain the system, the replacement of 15 lockers each year, and regular maintenance and repair of security cameras. TFC estimates a total cost of \$1.3 million in the 2022-23 biennium to implement the provisions of the bill. TFC did not provide an estimate of fee revenue for temporary secure weapon storage.

Local Government Impact

The fiscal implications of the bill cannot be determined at this time. Costs and gains associated with implementing the provisions of the bill are dependent on the amount of secure weapons storage local governments install in buildings under their control, fees charged for weapons storage, costs associated with

storing unclaimed weapons, and proceeds from the sale of forfeited weapons.

According to Chambers County, no fiscal impact is anticipated to the county. Bexar County estimates a fiscal impact of \$759,700 in yearly personnel costs and a one-time cost of \$24,000 for storage locker purchasing.

According to the City of Houston, no fiscal impact is anticipated.

Source Agencies: 212 Office of Court Admin, 303 Facilities Commission, 405 Department of Public Safety

LBB Staff: JMc, LBO, SMAT, BRI, DKN, SD, AF, CMA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 11, 2021

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB29 by Swanson (relating to authorizing the provision of temporary secure storage for weapons at certain public buildings; authorizing fees.), **Committee Report 2nd House, Substituted**

Costs and gains associated with implementing the provisions of the bill are dependent on the amount of secure weapons storage state agencies install in buildings under their control, fees state agencies charge for weapons storage, costs associated with storing unclaimed weapons, and proceeds from the sale of forfeited weapons. Therefore, the fiscal implications of the bill cannot be determined.

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 10, 2021

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB29 by Swanson (Relating to authorizing the provision of temporary secure storage for weapons at certain public buildings; authorizing fees.), **As Engrossed**

Costs and gains associated with implementing the provisions of the bill are dependent on the amount of secure weapons storage state agencies install in buildings under their control, fees state agencies charge for weapons storage, costs associated with storing unclaimed weapons, and proceeds from the sale of forfeited weapons. Therefore, the fiscal implications of the bill cannot be determined.

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LBB Staff: JMc, SMAT, BRI, DKN, SD, AF, CMA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 17, 2021

TO: Honorable James White, Chair, House Committee on Homeland Security & Public Safety

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB29 by Swanson (Relating to authorizing the provision of temporary secure storage for weapons at certain public buildings; authorizing fees.), **As Introduced**

Costs and gains associated with implementing the provisions of the bill are dependent on the amount of secure weapons storage state agencies install in buildings under their control, fees state agencies charge for weapons storage, costs associated with storing unclaimed weapons, and proceeds from the sale of forfeited weapons. Therefore, the fiscal implications of the bill cannot be determined.

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Source Agencies: 212 Office of Court Admin, 303 Facilities Commission, 405 Department of Public Safety

LBB Staff: JMc, DKn, SD, BRi, AF, CMa

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

87TH LEGISLATIVE REGULAR SESSION

May 11, 2021

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB29 by Swanson (relating to authorizing the provision of temporary secure storage for weapons at certain public buildings; authorizing fees.), **Committee Report 2nd House, Substituted**

The provisions of the bill addressed by this analysis would amend various codes as they relate to temporary secure weapon storage for certain public buildings.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on the demand for state correctional resources. The bill does not expressly create a felony offense, increase the punishment for an existing misdemeanor to that of a felony, increase the punishment for an existing felony offense or category of felony level offenses, or change the eligibility of a person for felony community supervision, parole, or mandatory supervision.

Source

Agencies:

LBB Staff: JMc, SMAT, LM, DGI, DKN

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

87TH LEGISLATIVE REGULAR SESSION

May 10, 2021

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB29 by Swanson (Relating to authorizing the provision of temporary secure storage for weapons at certain public buildings; authorizing fees.), **As Engrossed**

The provisions of the bill addressed by this analysis would amend various codes as they relate to temporary secure weapon storage for certain public buildings. Under the provisions of the bill, at certain state agency and political subdivision buildings, temporary secure storage of certain weapons could be implemented including measures for unclaimed weapons and options for fee collection.

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Agencies:

LBB Staff: JMc, SMAT, LM, DGI, DKN

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT
87TH LEGISLATIVE REGULAR SESSION

March 17, 2021

TO: Honorable James White, Chair, House Committee on Homeland Security & Public Safety

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB29 by Swanson (Relating to authorizing the provision of temporary secure storage for weapons at certain public buildings; authorizing fees.), **As Introduced**

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