

BILL ANALYSIS

H.B. 3545
By: Moody
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

When firearm owners are unable to possess their firearm, they will sometimes give their weapons to various institutions to hold for an agreed upon amount of time. Concerns have arisen about the liability of such institutions upon the return of those firearms. Currently, there is the possibility that such institutions could get into legal trouble for the actions the firearm owner takes after their firearm is returned to them. H.B. 3545 seeks to address this issue by establishing that so long as a federal firearm licensee holding the firearm is operating lawfully in the state, they have immunity for acts or omissions related to a firearm hold agreement, other than for unlawful conduct or gross negligence.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3545 amends the Civil Practice and Remedies Code to grant a federal firearms licensee operating lawfully in Texas immunity from civil liability for any act or omission arising from a firearm hold agreement that results in personal injury or death, including the return of a firearm to the owner by the licensee at the termination of the agreement. The immunity from civil liability does not apply to a cause of action arising from the unlawful conduct or gross negligence of the licensee.

H.B. 3545 defines the following terms:

- "federal firearms licensee" as any person licensed under the federal Gun Control Act;
- "firearm" as any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use; and
- "firearm hold agreement" as a private transaction between a federal firearms licensee and an individual firearm owner in which the licensee takes physical possession of the owner's lawfully possessed firearm at the owner's request, holds the firearm for an agreed period of time, and returns the firearm to the owner according to the terms of the agreement.

The bill does not apply to a cause of action that accrued before the bill's effective date.

EFFECTIVE DATE

September 1, 2023.