

BILL ANALYSIS

H.B. 3138
By: Lopez, Janie
Homeland Security, Public Safety & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law restricts municipalities and counties from regulating firearms, air guns, knives, and related items. However, the bill author has informed the committee that these same protections do not extend to archery equipment, leaving a gap that allows for inconsistent local regulations. H.B. 3138 seeks to address these ambiguities by prohibiting municipalities and counties from adopting or enforcing certain regulations relating to archery equipment.

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. 3138 amends the Local Government Code to expand the scope of the prohibition against a municipality regulating certain matters relating to weapons by prohibiting a municipality from adopting or enforcing regulations that:

- relate to the following:
 - the transfer, possession, carrying, ownership, storage, transportation, licensing, or registration of archery equipment;
 - commerce in archery equipment; or
 - the discharge of archery equipment at a sport shooting range; or
- require an owner of archery equipment to obtain liability insurance coverage for damages resulting from negligent or wilful acts involving the use of the archery equipment.

The bill accordingly includes references to archery equipment in the current exceptions to the prohibition relating to municipal regulation of the discharge of certain weapons within the municipality's limits or the carrying of certain weapons in specified types of public locations or events. The bill establishes that the exception allowing for municipal regulation of the carrying of certain weapons at specified types of public locations or events does not apply to a handgun license holder.

H.B. 3138 removes the authorization for the governing body of a Type-A general law municipality to prohibit or otherwise regulate the use of firearms.

H.B. 3138 reduces from 10 acres or smaller to smaller than seven acres the size of lots that are located in the unincorporated area of a county in a subdivision on which an applicable county commissioners court by order may prohibit or otherwise regulate hunting with bows and arrows to promote the public safety.

H.B. 3138 expands the scope of the prohibition against a county regulating certain matters relating to weapons by prohibiting a county from adopting or enforcing regulations that:

- relate to the following:
 - the transfer, possession, wearing, carrying, ownership, storage, transportation, licensing, or registration of archery equipment;
 - commerce in archery equipment; or
 - the discharge of archery equipment at a sport shooting range; or
- require an owner of archery equipment to obtain liability insurance coverage for damages resulting from negligent or wilful acts involving the use of the archery equipment.

H.B. 3138 defines "archery equipment" as a long bow, recurved bow, compound bow, or crossbow, including an arrow and a component part or accessory of an arrow, bow, or crossbow.

H.B. 3138 applies to an ordinance, order, regulation, or other measure adopted before, on, or after the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.