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H.B. No. 865

A BILL TO BE ENTITLED

AN ACT

relating to civil liability arising from a firearm hold agreement.

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

SECTION 1. The heading to Subchapter B, Chapter 128, Civil Practice and Remedies Code, is amended to read as follows:

SUBCHAPTER B. CIVIL ACTIONS AGAINST SPORT SHOOTING RANGES

SECTION 2. Chapter 128, Civil Practice and Remedies Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. LIABILITY ARISING FROM FIREARM HOLD AGREEMENTS

Sec. 128.101. DEFINITIONS. In this subchapter:

(1) "Congressionally chartered veterans service organization" means a veterans service organization listed in 36 U.S.C. Subtitle II.

(2) "Federal firearms licensee" means any person licensed under 18 U.S.C. Chapter 44.

(3) "Firearm" means 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.

(4) "Firearm hold agreement" means a private transaction between a federal firearms licensee or a congressionally chartered veterans service organization lawfully permitted to possess firearms and an individual firearm owner in which the licensee or organization takes physical possession of the

1 owner's lawfully possessed firearm at the owner's request, holds
2 the firearm for an agreed period of time, and returns the firearm to
3 the owner according to the terms of the agreement.

4 Sec. 128.102. IMMUNITY FROM LIABILITY. (a) Subject to
5 Subsection (b), a person does not have a cause of action against a
6 federal firearms licensee or congressionally chartered veterans
7 service organization operating lawfully in this state for any act
8 or omission arising from a firearm hold agreement that results in
9 personal injury or death, including the return of a firearm to the
10 owner by the licensee or organization at the termination of the
11 agreement.

12 (b) The immunity from civil liability provided by
13 Subsection (a) to a congressionally chartered veterans service
14 organization applies only if the organization complies with
15 firearms storage requirements applicable to federal firearms
16 licensees.

17 (c) The immunity from civil liability provided by
18 Subsection (a) does not apply to a cause of action arising from the
19 unlawful conduct or gross negligence of the licensee or
20 organization.

21 SECTION 3. Subchapter C, Chapter 128, Civil Practice and
22 Remedies Code, as added by this Act, does not apply to a cause of
23 action that accrued before the effective date of this Act.

24 SECTION 4. This Act takes effect September 1, 2025.