

BILL ANALYSIS

C.S.H.B. 4346
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It is common for the owner of a landlocked property to enter into an easement agreement in order to gain access to and from their property. These easements often include reasonable restrictions for the use of the easement. However, some property owners have raised concerns when the grantor of the easement requires provisions in the easement that restrict a person's ability to possess, carry, or transport a firearm while using the easement for the easement's purpose. The impact of such a restrictive easement would prohibit a person's ability to protect themselves or loved ones should they need to do so. C.S.H.B. 4346 seeks to prohibit these sort of restrictions on the second amendment rights of easement holders and their guests.

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

C.S.H.B. 4346 amends the Property Code to prohibit an instrument granting an access easement or appurtenant easement from restricting or prohibiting an easement holder or their guest from possessing, carrying, or transporting a firearm while using the easement for the easement's purpose. The bill prohibits the owner of a servient estate from enforcing a restrictive covenant in an instrument granting an easement on the estate that includes such a restriction or prohibition. The bill applies to an easement granted before, on, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4346 differs from the original in minor or nonsubstantive ways by conforming to certain bill drafting conventions.