

- SUBJECT:** Authorizing temporary weapons storage at certain public buildings
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 7 ayes — White, Harless, Hefner, E. Morales, Patterson, Schaefer, Tinderholt
2 nays — Bowers, Goodwin
- WITNESSES:** For — (*Registered, but did not testify:* Guadalupe Cuellar, City of El Paso; Frederick Frazier, Dallas Police Association and State FOP; Angela Smith, Fredericksburg Tea Party; David Sinclair, Game Warden Peace Officers Association; Richard Briscoe, Legislative Director, Open Carry Texas; Tara Mica, National Rifle Association; AJ Louderback and Brian Hawthorne, Sheriffs Association of Texas; Andi Turner, Texas State Rifle Association; and 11 individuals)
Against — (*Registered, but did not testify:* Idona Griffith; Georgia Keysor)
On — Brad Hodges; Eric Schafer
- DIGEST:** HB 29 would authorize secure weapon storage lockers to be placed in buildings used by state agencies or political subdivisions that are generally open to the public. The storage option would apply to buildings or portions of buildings where carrying weapons, including a handgun or other firearm, location-restricted knife, club, or other weapons would violate Penal Code ch. 46 or other law, or where the state agency or political subdivision by sign or otherwise prohibits weapons.
The bill would not apply to a penal institution or a public primary or secondary school or institution of higher education.
Storage. The temporary secure weapon storage could be provided by self-service lockers or other temporary storage operated at all times by a designated employee of the state agency or political subdivision. A self-

service weapon locker would have to allow secure locking by the user and provide a key for reopening or reopen by electronic means such as a fingerprint scan or numeric code.

The state agency or political subdivision could require a person using a self-service locker to submit the person's name, driver's license or ID number, and telephone number.

The state agency or political subdivision could provide temporary weapon storage operated by a designated employee. The employee would have to securely affix a claim tag to the weapon, provide the person with a claim receipt, and record the person's name, driver's license or ID number, and telephone number. The person could show the receipt or driver's license or ID to reclaim the weapon.

The temporary storage would have to be available and monitored by a designated employee of the agency or political subdivision at all times that the building or portion of the building was open to the public. A person who was placing a weapon in storage or retrieving it could not be required to wait more than five minutes.

A state agency or political subdivision could collect a fee for the use of a self-service weapon locker or other temporary secure weapon storage.

Unclaimed weapons. A weapon that was unclaimed at the end of a business day could be removed from the self-service locker or other temporary secure storage and placed in another secure location. If practicable, the agency or subdivision would have to notify the person that the weapon was in the custody of the agency or subdivision and subject to forfeiture if not reclaimed before the 30th day after the date it was placed in storage. Persons who provided a phone number would have to be called.

A sign would have to be placed at storage locations describing the process for reclaiming a weapon left in storage for more than one business day. A state agency or political subdivision could require identification or other

evidence of ownership before returning an unclaimed weapon and could charge a fee for extended storage of the weapon.

A weapon that was not reclaimed before the 30th day after the date it was placed in storage would be forfeited. If a forfeited weapon was one that could not be legally possessed in Texas, it would be turned over to local law enforcement as evidence or for destruction. If the weapon was one that could be legally possessed in Texas, it could be sold at public auction, where it could be purchased only by a federally licensed firearms dealer. Proceeds from the sale would be transferred to the state general revenue fund or the treasury of the political subdivision.

The bill would take effect September 1, 2021.

**SUPPORTERS
SAY:**

HB 29 would address a problem for individuals licensed to carry a firearm who must leave their guns in their cars when going to certain public buildings. This can result in individuals being unable to defend themselves while walking to and from their parked cars. Current law also effectively forces law-abiding gun owners who are entering these buildings to leave their weapons in their parked vehicles, where the firearm could be susceptible to theft.

The bill would be permissive, not mandatory, for state agencies and political subdivisions that want to provide safe weapons storage, and they could charge a fee to cover the cost of providing it. The storage option would improve the situation by providing the holder of a concealed carry license with a secure way to store a weapon on site if they are not allowed to carry the weapon inside the building.

**CRITICS
SAY:**

HB 29 could burden state agencies and political subdivisions to provide weapons storage for members of the public who want to carry guns into public buildings where they are not authorized to carry them. The Texas Facilities Commission estimates one-time costs of more than \$1 million to implement self-storage lockers in 69 state buildings, which would include installing weapon lockers, workstations with fingerprint scanners, and cameras to monitor retrieval.

Allowing members of the public to bring weapons into public buildings, even for a short time until they could be securely stored, could result in accidental discharges during the transfer of weapons into and out of lockers, possibly endangering others in the vicinity.

NOTES:

According to the Legislative Budget Board, the fiscal implications of the bill cannot be determined. Costs and gains associated with implementing the provisions of the bill would depend on the amount of secure weapons storage state agencies install in buildings under their control, fees state agencies charged for weapons storage, costs associated with storing unclaimed weapons, and proceeds from the sale of forfeited weapons.