

**SUBJECT:** Prohibiting the restriction of carrying firearms while using an easement

**COMMITTEE:** Homeland Security and Public Safety — committee substitute recommended

**VOTE:** 9 ayes — White, Bowers, Goodwin, Harless, Hefner, E. Morales, Patterson, Schaefer, Tinderholt

0 nays

**WITNESSES:** For — Rick Briscoe, Open CarryTexas; Goong Chen; Jason Franks; Gary Zimmerman; (*Registered, but did not testify*: Tara Mica, National Rifle Association; Brian Hawthorne, Sheriffs Association of Texas; Marcia Strickler, Wilco We Thee People; and nine individuals)

Against — (*Registered, but did not testify*: Louis Wichers, Texas Gun Sense; Bergan Casey; Anne Hebert)

On — (*Registered, but did not testify*: Thomas Parkinson)

**BACKGROUND:** Concerns have been raised that some easement agreements have restricted the carrying of a firearm while using the easement, preventing landowners from transporting their firearms from their vehicles to their homes and affecting their ability to protect themselves, their property, and their loved ones.

**DIGEST:** CSHB 4346 would prohibit an instrument granting an access easement or appurtenant easement from restricting or prohibiting an easement holder or an easement holder's guest from possessing, carrying, or transporting a firearm or firearm parts, accessories, or ammunition while using the easement. The owner of a servient estate could not enforce a restrictive covenant in an instrument granting an easement on the estate that included such a restriction or prohibition.

The bill would take effect September 1, 2021, and would apply to an easement granted before, on, or after that date.

