

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1400
By: Estes
Agriculture, Rural Affairs & Homeland Security
4/18/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some cities have passed a city regulation that outlaws any person within the city to sell, give to, or place in the possession of any person under the age of sixteen years a BB gun. That is, anyone under the age of 16 is not allowed to receive or be in possession of a BB gun at any time. This places large restrictions on parents and educational programs, such as the Reserve Officers' Training Corps and shooting classes, from handing a minor a BB gun. C.S.S.B. 1400 prevents counties and municipalities from regulating and restricting the complete use of low-powered air guns by anyone under the age of 16.

C.S.S.B. 1400 amends current law relating to the municipal and county regulation of air guns.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 229.001, Local Government Code, as follows:

Sec. 229.001. FIREARMS; AIR GUNS; EXPLOSIVES. (a) Prohibits a municipality, notwithstanding any other law, including Section 43.002 (Continuation of Land Use) of this code and Chapter 251 (Effect of Nuisance Actions and Governmental Requirements on Preexisting Agricultural Operations), Agriculture Code, from adopting regulations relating to:

- (1) the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, air guns, ammunition, or firearm or air gun supplies; or
- (2) the discharge of a firearm or air gun at a sport shooting range.

(b) Provides that Subsection (a) does not affect the authority a municipality has under another law to:

- (1) Makes no change to this subdivision;
- (2) regulate the discharge of firearms or air guns within the limits of the municipality, other than at a sport shooting range;
- (3) Makes no change to this subdivision;
- (4) regulate the use of firearms or air guns in the case of an insurrection, riot, or natural disaster if the municipality finds the regulations necessary to protect public health and safety;
- (5) Makes no change to this subdivision;

(6) regulate the carrying of a firearm or air gun by a person other than a person licensed to carry a concealed handgun under Subchapter H (License to Carry a Concealed Handgun), Chapter 411 (Department of Public Safety of the State of Texas), Government Code, at a public park; public meeting of a municipality, county, or other governmental body; political rally, parade, or official political meeting; or non-firearms-related school, college, or professional athletic event;

(7) Makes no change to this subdivision; or

(8) regulate the carrying of an air gun by a minor on public property, or private property without consent of the property owner.

(c) Provides that the exception provided by Subsection (b)(6) does not apply if the firearm or air gun is in or is carried to or from the area designated for use in a lawful hunting, fishing, or other sporting event and the firearm or air gun is of the type commonly used in the activity.

(d) Provides that the exception provided by Subsection (b)(4) does not authorize the seizure or confiscation of any firearm, air gun, or ammunition from an individual who is lawfully carrying or possessing the firearm, air gun, or ammunition.

(e) Defines "air gun" in this section, and makes nonsubstantive changes.

SECTION 2. Amends Subchapter B, Chapter 235, Local Government Code, by adding Section 235.020, as follows:

Sec. 235.020. DEFINITION. Defines "air gun" in this subchapter.

SECTION 3. Amends Section 235.022, Local Government Code, to authorize the commissioners court of a county by order, to promote the public safety, to prohibit or otherwise regulate the discharge of firearms and air guns on lots that are 10 acres or smaller and are located in the unincorporated area of the county in a subdivision.

SECTION 4. Amends Section 235.023, Local Government Code, to provide that this subchapter does not authorize the commissioners court to regulate the transfer, ownership, possession, or transportation of firearms or air guns and does not authorize the court to require the registration of firearms or air guns.

SECTION 5. Amends Section 236.001, Local Government Code, as follows:

Sec. 236.001. New heading: DEFINES. Defines "air gun" in this chapter, and makes nonsubstantive changes.

SECTION 6. Amends Section 236.002, Local Government Code, as follows:

Sec. 236.002. New heading: FIREARMS; AIR GUNS; SPORT SHOOTING RANGE. Prohibits a county, notwithstanding any other law, including Chapter 251, Agriculture Code, from adopting regulations relating to:

(1) the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, air guns, ammunition, or firearm or air gun supplies; or

(2) the discharge of a firearm or air gun at a sport shooting range.

SECTION 7. Amends Section 236.003, Local Government Code, to authorize a county, notwithstanding Section 236.002, to regulate the discharge of a firearm or air gun at an outdoor sport shooting range as provided by Subchapter B (Firearms), Chapter 235 (County Regulation of Matters Relating to Explosives and Weapons).

SECTION 8. Effective date: upon passage or September 1, 2013.