

## **BILL ANALYSIS**

Senate Research Center  
87R23192 JSC-D

C.S.H.B. 29  
By: Swanson et al. (Hughes)  
State Affairs  
5/10/2021  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 29 amends the Government Code and the Local Government Code to authorize an applicable state agency or political subdivision to provide self-service weapon lockers or other secure weapon storage operated at all times by a designated employee for the temporary secure storage of any weapon prohibited in certain public buildings or portions of those buildings.

(Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 29 amends current law relating to authorizing the provision of temporary secure storage for weapons at certain public buildings and authorizes fees.

### **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 Chapter 2165, Government Code, by adding Subchapter J, as follows:

#### **SUBCHAPTER J. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC BUILDINGS**

Sec. 2165.451. APPLICABILITY. (a) Provides that this subchapter applies to a building or portion of a building:

(1) that is used by an agency of this state and generally open to the public;  
and

(2) in which:

(A) carrying a handgun or other firearm, location-restricted knife, club, or other weapon on the premises or part of the premises would violate Chapter 46 (Weapons), Penal Code, or other law; or

(B) the state agency in control of the building, by sign or otherwise, prohibits handguns or other firearms, location-restricted knives, clubs, or other weapons on the premises or part of the premises.

(b) Provides that this subchapter does not apply to:

(1) a penal institution, as that term is defined by Section 1.07 (Definitions), Penal Code; or

(2) a public primary or secondary school or institution of higher education.

Sec. 2165.452. TEMPORARY SECURE WEAPON STORAGE. (a) Authorizes a state agency to provide temporary secure weapon storage for a building or portion of a building to which this subchapter applies for persons who enter the building or portion of the building with a weapon prohibited in that building or portion of the building.

(b) Authorizes the temporary secure weapon storage to be provided by self-service weapon lockers described by Section 2165.453 or other temporary secure weapon storage operated at all times by a designated state agency employee under Section 2165.454.

Sec. 2165.453. SELF-SERVICE WEAPON LOCKERS FOR TEMPORARY SECURE STORAGE. (a) Authorizes a state agency to provide self-service weapon lockers for the temporary secure storage of any weapon prohibited in a building or portion of a building.

(b) Requires that a self-service weapon locker allow secure locking by the user and provide a key for reopening or reopen by electronic means, such as by a fingerprint scan or entry of a numeric code.

(c) Authorizes a state agency to require a person to submit the person's name, the number of the person's driver's license or other form of identification, and the person's telephone number as a condition for use of a self-service weapon locker.

(d) Authorizes a person placing a weapon in a self-service weapon locker to designate an alternate person to whom the weapon is authorized to be released if the person is not able to reclaim the person's weapon before the 30th day after the date the weapon was placed in the locker.

Sec. 2165.454. TEMPORARY SECURE WEAPON STORAGE ADMINISTERED BY AGENCY EMPLOYEE. (a) Authorizes a state agency to provide temporary secure weapon storage operated by a designated agency employee for a building or portion of a building in which weapons are prohibited.

(b) Requires that the weapons in temporary secure weapon storage be held in a safe, locker, or other location that is locked and accessible only to the designated employee.

(c) Requires a designated employee, if a person chooses to give to the designated employee the person's weapon for temporary secure storage, to:

(1) securely affix a claim tag to the weapon;

(2) provide the person with a claim receipt for reclaiming the weapon;

(3) record the person's name, the number of the person's driver's license or other form of identification, and the person's telephone number; and

(4) if designated by the person placing the weapon in temporary secure weapon storage, record the name of an alternate person to whom the weapon is authorized to be released if the person is not able to reclaim the person's weapon before the 30th day after the date the weapon was placed in storage.

(d) Authorizes a person to reclaim the person's weapon by showing the designated employee operating the temporary secure weapon storage:

(1) the claim receipt given to the person at the time the weapon was placed in temporary secure storage; or

(2) the person's driver's license or other form of identification.

(e) Requires a state agency that provides temporary secure weapon storage under this section to ensure that:

(1) the temporary secure weapon storage is available and monitored by a designated agency employee at all times that the building or portion of the building is open to the public; and

(2) a person who is choosing to place the weapon in storage or retrieving the weapon from storage is not required to wait more than a reasonable period.

Sec. 2165.455. FEES. Authorizes a state agency under this subchapter to collect a fee for the use of a self-service weapon locker or other temporary secure weapon storage.

Sec. 2165.456. UNCLAIMED WEAPONS. (a) Authorizes a weapon that is unclaimed at the end of a business day to be removed from the self-service weapon locker or other temporary secure storage and placed in another secure location.

(b) Requires the state agency, if practicable, to notify the person who placed the weapon in a self-service weapon locker or other temporary secure storage that the weapon is in the custody of the state agency and is subject to forfeiture if not reclaimed before the 30th day after the date the weapon was placed in a self-service weapon locker or other temporary secure storage. Requires the state agency, if the person provided a telephone number when the weapon was placed in a self-service weapon locker or other temporary secure storage, to notify the person by using that telephone number.

(c) Requires the state agency, at each location where a weapon may be placed in a self-service weapon locker or other temporary secure storage, to post a sign that describes the process for reclaiming a weapon left in a self-service weapon locker or other temporary secure storage for more than one business day.

(d) Authorizes the state agency to require identification or other evidence of ownership before returning the unclaimed weapon. Authorizes the state agency, on return of the weapon, to charge a fee for the extended storage of the weapon.

(e) Provides that, if the weapon is not reclaimed before the 30th day after the date the weapon was placed in a self-service weapon locker or other temporary secure storage, the weapon is forfeited.

(f) Requires the state agency, if the forfeited weapon is prohibited from being legally possessed in Texas, to turn the weapon over to local law enforcement as evidence or for destruction.

(g) Provides that, if a person is authorized to legally possess the weapon in this state:

(1) the forfeited weapon may be sold at public sale by an auctioneer licensed under Chapter 1802 (Auctioneers), Occupations Code; or

(2) the law enforcement agency holding the weapon may release the weapon to another person if:

(A) the person:

(i) claims a right to or interest in the weapon and provides an affidavit confirming that the person wholly or partly owns the weapon or otherwise has a right to or interest in the weapon; or

(ii) is an alternate person designated by the person under Section 2165.453(d) or 2165.454(c)(4); and

(B) for a weapon that is a firearm, the law enforcement agency conducts a check of state and national criminal history record information and verifies that the person is authorized to lawfully possess a firearm under 18 U.S.C. Section 922(g).

(h) Authorizes only a firearms dealer licensed under 18 U.S.C. Section 923 to purchase a firearm at public sale under this section.

(i) Requires that proceeds from the sale of a weapon under this section be transferred, after the deduction of auction costs, to the general revenue fund.

SECTION 2. Amends Subtitle C, Title 11, Local Government Code, by adding Chapter 365, as follows:

#### CHAPTER 365. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC BUILDINGS

Sec. 365.001. APPLICABILITY. (a) Provides that this chapter applies to a building or portion of a building:

(1) that is used by a political subdivision of this state and generally open to the public; and

(2) in which:

(A) carrying a handgun or other firearm, location-restricted knife, club, or other weapon on the premises or part of the premises would violate Chapter 46, Penal Code, or other law; or

(B) the political subdivision in control of the building, by sign or otherwise, prohibits handguns or other firearms, location-restricted knives, clubs, or other weapons on the premises or part of the premises.

(b) Provides that this chapter does not apply to:

(1) a penal institution, as that term is defined by Section 1.07, Penal Code; or

(2) a public primary or secondary school or institution of higher education.

Sec. 365.002. TEMPORARY SECURE WEAPON STORAGE. (a) Authorizes a political subdivision to provide temporary secure weapon storage for a building or portion of a building to which this chapter applies for persons who enter the building or portion of the building with a weapon prohibited in that building or portion of the building.

(b) Authorizes the temporary secure weapon storage to be provided by self-service weapon lockers described by Section 365.003 or other temporary secure weapon storage operated at all times by a designated employee of the political subdivision under Section 365.004.

Sec. 365.003. SELF-SERVICE WEAPON LOCKERS FOR TEMPORARY SECURE STORAGE. (a) Authorizes a political subdivision to provide self-service weapon lockers for the temporary secure storage of any weapon prohibited in a building or portion of a building.

(b) Requires that a self-service weapon locker allow secure locking by the user and provide a key for reopening or reopen by electronic means, such as by a fingerprint scan or entry of a numeric code.

(c) Authorizes a political subdivision to require a person to submit the person's name, the number of the person's driver's license or other form of identification, and the person's telephone number as a condition for use of a self-service weapon locker.

(d) Authorizes a person placing a weapon in a self-service weapon locker to designate an alternate person to whom the weapon is authorized to be released if the person is not able to reclaim the person's weapon before the 30th day after the date the weapon was placed in the locker.

Sec. 365.004. TEMPORARY SECURE WEAPON STORAGE ADMINISTERED BY EMPLOYEE OF POLITICAL SUBDIVISION. (a) Authorizes a political subdivision to provide temporary secure weapon storage operated by a designated employee of the political subdivision for a building or portion of a building in which weapons are prohibited.

(b) Requires that the weapons in temporary secure weapon storage be held in a safe, locker, or other location that is locked and accessible only to the designated employee.

(c) Requires a designated employee, if a person chooses to give to the designated employee the person's weapon for temporary secure storage, to:

(1) securely affix a claim tag to the weapon;

(2) provide the person with a claim receipt for reclaiming the weapon;

(3) record the person's name, the number of the person's driver's license or other form of identification, and the person's telephone number; and

(4) if designated by the person placing the weapon in temporary secure weapon storage, record the name of an alternate person to whom the weapon is authorized to be released if the person is not able to reclaim the person's weapon before the 30th day after the date the weapon was placed in storage.

(d) Authorizes a person to reclaim the person's weapon by showing the designated employee operating the temporary secure weapon storage:

(1) the claim receipt given to the person at the time the weapon was placed in temporary secure storage; or

(2) the person's driver's license or other form of identification.

(e) Requires a political subdivision that provides temporary secure weapon storage under this section to ensure that:

(1) the temporary secure weapon storage is available and monitored by a designated employee of the political subdivision at all times that the building or portion of the building is open to the public; and

(2) a person who is choosing to place the weapon in storage or retrieving the weapon from storage is not required to wait more than a reasonable period.

Sec. 365.005. FEES. Authorizes a political subdivision under this chapter to collect a fee for the use of a self-service weapon locker or other temporary secure weapon storage.

Sec. 365.006. UNCLAIMED WEAPONS. (a) Authorizes a weapon that is unclaimed at the end of a business day to be removed from the self-service weapon locker or other temporary secure storage and placed in another secure location.

(b) Requires the political subdivision, if practicable, to notify the person who placed the weapon in a self-service weapon locker or other temporary secure storage that the weapon is in the custody of the political subdivision and is subject to forfeiture if not reclaimed before the 30th day after the date the weapon was placed in a self-service weapon locker or other temporary secure storage. Requires the political subdivision, if the person provided a telephone number when the weapon was placed in a self-service weapon locker or other temporary secure storage, to notify the person by using that telephone number.

(c) Requires the political subdivision, at each location where a weapon is authorized to be placed in a self-service weapon locker or other temporary secure storage, to post a sign that describes the process for reclaiming a weapon left in a self-service weapon locker or other temporary secure storage for more than one business day.

(d) Authorizes the political subdivision to require identification or other evidence of ownership before returning the unclaimed weapon. Authorizes the political subdivision, on return of the weapon, to charge a fee for the extended storage of the weapon.

(e) Provides that, if the weapon is not reclaimed before the 30th day after the date the weapon was placed in a self-service weapon locker or other temporary secure storage, the weapon is forfeited.

(f) Requires the political subdivision, if the forfeited weapon is prohibited from being legally possessed in Texas, to turn the weapon over to local law enforcement as evidence or for destruction.

(g) Provides that, if a person is authorized to legally possess the weapon in this state:

(1) the forfeited weapon may be sold at public sale by an auctioneer licensed under Chapter 1802, Occupations Code; or

(2) the law enforcement agency holding the weapon may release the weapon to another person if:

(A) the person:

(i) claims a right to or interest in the weapon and provides an affidavit confirming that the person wholly or partly owns the weapon or otherwise has a right to or interest in the weapon; or

(ii) is an alternate person designated by the person under Section 365.003(d) or 365.004(c)(4); and

(B) for a weapon that is a firearm, the law enforcement agency conducts a check of state and national criminal history record information and verifies that the person is authorized to lawfully possess a firearm under 18 U.S.C. Section 922(g).

(h) Authorizes only a firearms dealer licensed under 18 U.S.C. Section 923 to purchase a firearm at public sale under this section.

(i) Requires that proceeds from the sale of a weapon under this section be transferred, after the deduction of auction costs, to the treasury of the political subdivision.

SECTION 3. Effective date: September 1, 2021.