

## **BILL ANALYSIS**

Senate Research Center

H.B. 4346  
By: Leman et al. (Springer)  
State Affairs  
5/15/2021  
Engrossed

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

H.B. 4346 amends current law relating to the possession, carrying, or transportation of a firearm or alcoholic beverage by certain persons during the use of an easement.

### **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 Subchapter A, Chapter 5, Property Code, by adding Section 5.020, as follows:

Sec. 5.020. EASEMENTS RESTRICTING POSSESSION OF FIREARMS OR ALCOHOLIC BEVERAGES PROHIBITED. (a) Defines "alcoholic beverage" and "firearm."

(b) Prohibits an instrument granting an access easement from restricting or prohibiting an easement holder or an easement holder's guest from possessing, carrying, or transporting a firearm or an alcoholic beverage over the servient estate while using the easement for the easement's purpose.

(c) Prohibits the owner of a servient estate from enforcing a restrictive covenant in an instrument granting an access easement over the servient estate that restricts or prohibits the easement holder or the easement holder's guest from possessing, carrying, or transporting a firearm or an alcoholic beverage over the servient estate while using the easement for the easement's purpose.

SECTION 2. Provides that Section 5.020, Property Code, as added by this Act, applies to an easement granted before, on, or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2021.