

BILL ANALYSIS

Senate Research Center
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S.B. 1742
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Landowners who had their land annexed after September 1, 1981, are currently authorized to use their land for hunting purposes. This change to the law allows landowners with large tracts of land to discharge firearms and to lease their land for hunting purposes, while making concessions for public safety.

In areas that are being rapidly annexed and in suburbs, there are cases in which large tracts of land are located next to hospitals, parks, schools, and residential areas. In these cases, there is concern among both residents and local law enforcement officials with regard to firearms being discharged in close proximity to these locations.

The purpose of this bill is to expand the zones in which a firearm is prohibited from being discharged around a school, hospital, nursing home, day care, residence, or public park in an area annexed by a municipality after September 1, 1981.

As proposed, S.B. 1742 expands the area in which a municipality may apply a regulation relating to the discharge of certain weapons to include certain areas around a school, hospital, nursing home, facility, day-care facility, public recreational area, or residential area.

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 229.002, Local Government Code, as follows:

Sec. 229.002. REGULATION OF DISCHARGE OF WEAPON. Prohibits a municipality from applying a regulation relating to the discharge of firearms or other weapons in the extraterritorial jurisdiction of the municipality or in the area annexed by the municipality after September 1, 1981, if the firearm or other weapon is:

- (1) a shotgun, air rifle or pistol, BB gun, or bow and arrow discharged on a tract of land of 10 acres or more and more than 1,000 feet, rather than 150 feet, from an occupied building, including a residence, rather than from a residence or occupied building, located on another property; and 1,500 feet from an occupied building that is a school, day-care facility, nursing home facility, or adult day-care facility located on another property, the property line of a public tract of land used for outdoor recreation, the property line of a residential subdivision, and the property line of a multifamily residential complex; in a manner not reasonably expected to cause a projectile to cross the boundary of the tract; or
- (2) a center fire or rim fire rifle or pistol of any caliber discharged on a tract of land 50 acres or more and more than 1,000, rather than 300, feet from an occupied building, including a residence, rather than from a residence or occupied building, located on another property; and 1,500 feet from an occupied building that is a school, day-care facility, nursing home facility, or adult day-care facility located on another property, the property line of a public tract of land used for outdoor recreation, the property line of a residential subdivision, and the property line of a

multifamily residential complex; and in a manner not reasonably expected to cause a projectile to cross the boundary of the tract.

SECTION 2. Effective date: upon passage or September 1, 2009.