

BILL ANALYSIS

Senate Research Center
83R9254 NC-F

S.B. 1400
By: Estes
Agriculture, Rural Affairs & Homeland Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some cities have passed a city regulation that outlaws any person within the city to sell, or 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 would place large restrictions on parents and educational programs, such as the Reserve Officers' Training Corps and shooting classes, from handing a minor a BB gun. 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.

As proposed, 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 43.002(d), Local Government Code, to provide that a regulation relating to the discharge of firearms or other weapons is subject to the restrictions in Subchapter A (Regulation of Firearms and Explosives), Chapter 229, rather than Section 229.002 (Regulation of Discharge of Weapon).

SECTION 2. Amends Section 229.001(e), Local Government Code, to define "firearm" in this section, and to make nonsubstantive changes.

SECTION 3. Amends Section 229.002, Local Government Code, to delete existing text including an air rifle or pistol and BB gun in a list of weapons to which a municipality is prohibited from applying a regulation relating to the discharge of firearms or other weapons in the extraterritorial jurisdiction of the municipality or in an area annexed by the municipality after September 1, 1981, under certain circumstances.

SECTION 4. Amends Section 229.003(b), Local Government Code, to delete existing text including an air rifle or pistol and BB gun in a list of weapons to which a municipality is, notwithstanding Section 229.002, prohibited from applying a regulation relating to the discharge of firearms or other weapons in the extraterritorial jurisdiction of the municipality or in an area annexed by the municipality after September 1, 1981, under certain circumstances.

SECTION 5. Amends Section 229.004(b), Local Government Code, to delete existing text including an air rifle or pistol and BB gun in a list of weapons to which a municipality is, notwithstanding Section 229.002, prohibited from applying a regulation relating to the discharge of firearms or other weapons in the extraterritorial jurisdiction of the municipality or in an area annexed by the municipality after September 1, 1981, under certain circumstances.

SECTION 6. Amends Subchapter A, Chapter 229, Local Government Code, by adding Section 229.005, as follows:

Sec. 229.005. REGULATION OF AIR GUNS. (a) Defines "air gun," "institution of higher education," "private or independent institution of higher education," and "sport shooting range" in this section.

(b) Prohibits a municipality from adopting or enforcing a regulation relating to:

(1) the transfer, private ownership, keeping, transportation, use, licensing, or registration of an air gun or an accessory for an air gun; or

(2) the discharge of an air gun at:

(A) a sport shooting range;

(B) a range associated with:

(i) a Reserve Officers' Training Corps (ROTC) program of a school, an institution of higher education, or a private or independent institution of higher education; or

(ii) a hunter education program established under Section 62.014 (Hunter Education Program), Parks and Wildlife Code;

(C) a commercial or sporting event by a participant in the event;

(D) a private indoor or outdoor range located on residential property if:

(i) traps are used to capture the projectile of the air gun;

(ii) any person younger than 18 years of age discharging the air gun is supervised by a parent or a person 18 years of age or older who is acting in loco parentis; and

(iii) the projectile does not cross the property line; or

(E) the premises of an agricultural operation as defined by Section 251.002 (Definitions), Agriculture Code.

SECTION 7. Amends Section 235.022, Local Government Code, as follows:

Sec. 235.022. AUTHORITY TO REGULATE. (a) Provides that "firearm," in this section, does not include an air gun as defined by Section 229.005.

(b) Creates this subsection from existing text and makes no further changes.

SECTION 8. Amends Section 236.001, Local Government Code, to define, in this chapter, "air gun" and "firearm," and to make nonsubstantive changes.

SECTION 9. Amends Chapter 236, Local Government Code, by adding Section 236.004, as follows:

Sec. 236.004. REGULATION OF AIR GUNS. (a) Prohibits a county from adopting or enforcing a regulation relating to:

(1) the transfer, private ownership, keeping, transportation, use, licensing, or registration of an air gun or an accessory for an air gun; or

(2) the discharge of an air gun, except as provided by Subsection (b).

(b) Authorizes a county to regulate the discharge of an air gun on the premises of a park, playground, museum, or site acquired and maintained under Chapter 331 (Municipal and County Authority to Acquire and Maintain Parks, Museums, and Historic Sites), or a facility owned or leased by the county.

SECTION 10. Effective date: upon passage or September 1, 2013.