

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2363
By: Harris et al. (Birdwell)
State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently the Health and Human Services Administrative Code mandates that if a person wishes to be a foster care provider, they have to store their weapons and ammunition in separate locked cases as well as having separate locks and keys in each storage container. Our bill aims to remove that red tape regulation.

The purpose of H.B. 2363 is to remove Title 26, Part 1, Chapter 749, Subchapter O, Division 3, Rule 749.2961 (a)1C and part of (a)1D from the code. This would preserve the rights of lawful gun owners in Texas who also want to serve as foster parents. Eliminating this portion of the code will make foster parenting more appealing to potential foster parents creating more opportunities for placements of children in foster care.

If you are a foster parent, this law in the administrative code disincentives you to be a foster parent along with having your second amendment rights on carrying a firearm. The red tape regulations are too burdensome on a registered gun owner on where to store your firearm and ammunition in your household as well as the regulation of having the firearm and ammunition in a storage compartment with a locked cable or chains placed through the trigger guards. H.B. 2363 wants foster parents to have easy accessibility to their firearms.

The changes to C.S.H.B. 2363 from the original bill draft is that we took out the change from Section 1 and Subdivision (2) on taking out the regulation of a firearm to be locked with cable or chains placed through the trigger guards in their locked storage compartments. We took out that section of the original bill and only focus on changing the administrative code of ammunition and the firearm to be stored in separate locked storage containers. The other change is the caption of the bill. We are just defining the caption of the bill to make it relate to the issue better and not make it so broad.

C.S.H.B. 2363 amends current law relating to permitting certain foster homes to store firearms and ammunition in the same locked location.

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 42.042(e-1), Human Resources Code, as follows:

(e-1) Prohibits the Health and Human Services Commission, rather than the Department of Family and Protective Services, from prohibiting possession of lawfully permitted firearms and ammunition in an agency foster home. Requires the minimum standards to allow firearms and ammunition to be stored separately or stored together in the same locked location if the firearms are stored with a trigger locking device attached to the firearms, rather than authorizing minimum standards to be adopted under this section relating to safety and proper storage of firearms and ammunition, including standards requiring firearms and ammunition to be stored separately in locked locations.

SECTION 2. Effective date: September 1, 2019.