

BILL ANALYSIS

Senate Research Center
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S.B. 741
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised over enforcement by certain property owners' associations of dedicatory instrument provisions restricting firearm possession, use, and storage. Parties that express interest in this matter recognize the need to protect the second amendment rights of law-abiding citizens. S.B. 741 seeks to provide that protection.

S.B. 741 amends the Property Code to prohibit a property owners' association from including or enforcing a provision in a dedicatory instrument that prohibits, restricts, or has the effect of prohibiting or restricting any person who is otherwise authorized from lawfully possessing, transporting, or storing a firearm, any part of a firearm, or firearm ammunition or from lawfully discharging a firearm.

S.B. 741 does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

As proposed, S.B. 741 amends current law relating to restrictive covenants regarding firearms or firearm ammunition.

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 202, Property Code, by adding Section 202.020, as follows:

Sec. 202.020. REGULATION OF FIREARMS OR FIREARM AMMUNITION. Prohibits a property owners' association from including or enforcing a provision in a dedicatory instrument that prohibits, restricts, or has the effect of prohibiting or restricting any person who is otherwise authorized from lawfully possessing, transporting, or storing a firearm, any part of a firearm, or firearm ammunition, as well as the otherwise lawful discharge of a firearm.

SECTION 2. Effective date: September 1, 2019.