

By: Frullo

H.B. No. 905

Substitute the following for H.B. No. 905:

By: Phillips

C.S.H.B. No. 905

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of knives by a municipality or county.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter A, Chapter 229, Local Government Code, is amended to read as follows:

SUBCHAPTER A. REGULATION OF FIREARMS, KNIVES, AND EXPLOSIVES

SECTION 2. The heading to Section 229.001, Local Government Code, is amended to read as follows:

Sec. 229.001. FIREARMS; AIR GUNS; KNIVES; EXPLOSIVES.

SECTION 3. Sections 229.001(a), (b), (d), and (e), Local Government Code, are amended to read as follows:

(a) Notwithstanding any other law, including Section 43.002 of this code and Chapter 251, Agriculture Code, a municipality may not adopt regulations relating to:

(1) the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, air guns, knives, ammunition, or firearm or air gun supplies; or

(2) the discharge of a firearm or air gun at a sport shooting range.

(b) Subsection (a) does not affect the authority a municipality has under another law to:

(1) require residents or public employees to be armed for personal or national defense, law enforcement, or another lawful purpose;

1 (2) regulate the discharge of firearms or air guns
2 within the limits of the municipality, other than at a sport
3 shooting range;

4 (3) regulate the use of property, the location of a
5 business, or uses at a business under the municipality's fire code,
6 zoning ordinance, or land-use regulations as long as the code,
7 ordinance, or regulations are not used to circumvent the intent of
8 Subsection (a) or Subdivision (5) of this subsection;

9 (4) regulate the use of firearms, ~~or~~ air guns, or
10 knives in the case of an insurrection, riot, or natural disaster if
11 the municipality finds the regulations necessary to protect public
12 health and safety;

13 (5) regulate the storage or transportation of
14 explosives to protect public health and safety, except that 25
15 pounds or less of black powder for each private residence and 50
16 pounds or less of black powder for each retail dealer are not
17 subject to regulation;

18 (6) regulate the carrying of a firearm or air gun by a
19 person other than a person licensed to carry a concealed handgun
20 under Subchapter H, Chapter 411, Government Code, at a:

21 (A) public park;

22 (B) public meeting of a municipality, county, or
23 other governmental body;

24 (C) political rally, parade, or official
25 political meeting; or

26 (D) nonfirearms-related school, college, or
27 professional athletic event;

1 (7) regulate the hours of operation of a sport
2 shooting range, except that the hours of operation may not be more
3 limited than the least limited hours of operation of any other
4 business in the municipality other than a business permitted or
5 licensed to sell or serve alcoholic beverages for on-premises
6 consumption; or

7 (8) regulate the carrying of an air gun by a minor on:

8 (A) public property; or

9 (B) private property without consent of the
10 property owner.

11 (d) The exception provided by Subsection (b)(4) does not
12 authorize the seizure or confiscation of any firearm, air gun,
13 knife, or ammunition from an individual who is lawfully carrying or
14 possessing the firearm, air gun, knife, or ammunition.

15 (e) In this section:

16 (1) "Air gun" means any gun that discharges a pellet,
17 BB, or paintball by means of compressed air, gas propellant, or a
18 spring.

19 (2) "Knife" has the meaning assigned by Section 46.01,
20 Penal Code.

21 (3) "Sport shooting range" has the meaning assigned by
22 Section 250.001.

23 SECTION 4. The heading to Chapter 236, Local Government
24 Code, is amended to read as follows:

25 CHAPTER 236. COUNTY REGULATION OF FIREARMS, KNIVES, AMMUNITION,
26 FIREARM SUPPLIES, AND SPORT SHOOTING RANGES

27 SECTION 5. Section 236.001, Local Government Code, is

1 amended by adding Subdivision (1-a) to read as follows:

2 (1-a) "Knife" has the meaning assigned by Section
3 46.01, Penal Code.

4 SECTION 6. Section 236.002(a), Local Government Code, is
5 amended to read as follows:

6 (a) Notwithstanding any other law, including Chapter 251,
7 Agriculture Code, a county may not adopt regulations relating to:

8 (1) the transfer, private ownership, keeping,
9 transportation, licensing, or registration of firearms, air guns,
10 knives, ammunition, or firearm or air gun supplies; or

11 (2) the discharge of a firearm or air gun at a sport
12 shooting range.

13 SECTION 7. (a) A municipality or county may not enforce a
14 regulation adopted by the municipality or county before the
15 effective date of this Act that relates to knives, if the adoption
16 of the regulation would be prohibited under Section 229.001 or
17 236.002, Local Government Code, as amended by this Act.

18 (b) A court in which a proceeding is pending for a violation
19 of a regulation described by Subsection (a) of this section shall
20 dismiss the proceeding.

21 (c) The prohibition of enforcement of a regulation under
22 Subsection (a) of this section does not:

23 (1) affect a final judgment of a court upholding a
24 penalty under a regulation described by Subsection (a); or

25 (2) entitle a person who has paid a penalty for a
26 violation of the regulation to a refund of the penalty.

27 SECTION 8. This Act takes effect September 1, 2015.