

1-1 By: Williams, Eltife, Seliger S.B. No. 734  
1-2 (In the Senate - Filed February 24, 2005; March 2, 2005,  
1-3 read first time and referred to Committee on Intergovernmental  
1-4 Relations; March 21, 2005, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;  
1-6 March 21, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 734 By: Brimer

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to municipal regulation of the discharge of firearms and  
1-11 certain other weapons.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (c), Section 251.005, Agriculture  
1-14 Code, is amended to read as follows:

1-15 (c) A governmental requirement of a city does not apply to  
1-16 any agricultural operation situated outside the corporate  
1-17 boundaries of the city on the effective date of this chapter. If an  
1-18 agricultural operation so situated is subsequently annexed or  
1-19 otherwise brought within the corporate boundaries of the city, the  
1-20 governmental requirements of the city do not apply to the  
1-21 agricultural operation unless the requirement is reasonably  
1-22 necessary to protect persons who reside in the immediate vicinity  
1-23 or persons on public property in the immediate vicinity of the  
1-24 agricultural operation from the danger of explosion, flooding,  
1-25 vermin, insects, physical injury, contagious disease, removal of  
1-26 lateral or subjacent support, contamination of water supplies,  
1-27 radiation, storage of toxic materials, discharge of firearms or  
1-28 other weapons, except as provided by Section 229.002, Local  
1-29 Government Code, or traffic hazards. A governmental requirement  
1-30 may be imposed under this subsection only after the governing body  
1-31 of the city makes findings by resolution that the requirement is  
1-32 necessary to protect public health. Before making findings as to  
1-33 the necessity of the requirement, the governing body of the city  
1-34 must use the services of the city health officer or employ a  
1-35 consultant to prepare a report to identify the health hazards  
1-36 related to agricultural operations and determine the necessity of  
1-37 regulation and manner in which agricultural operations should be  
1-38 regulated.

1-39 SECTION 2. Chapter 229, Local Government Code, is amended  
1-40 by adding Section 229.002 to read as follows:

1-41 Sec. 229.002. REGULATION OF DISCHARGE OF WEAPON. A  
1-42 municipality may not apply a regulation relating to the discharge  
1-43 of firearms or other weapons in the extraterritorial jurisdiction  
1-44 of the municipality or in an area annexed by the municipality if the  
1-45 firearm or other weapon is:

1-46 (1) a shotgun, air rifle or pistol, BB gun, or bow and  
1-47 arrow discharged:

1-48 (A) on a tract of land of 10 acres or more and  
1-49 more than 150 feet from a residence or occupied building located on  
1-50 another property; and

1-51 (B) in a manner not reasonably expected to cause  
1-52 a projectile to cross the boundary of the tract; or

1-53 (2) a center fire or rim fire rifle or pistol of any  
1-54 caliber discharged:

1-55 (A) on a tract of land of 50 acres or more and  
1-56 more than 300 feet from a residence or occupied building located on  
1-57 another property; and

1-58 (B) in a manner not reasonably expected to cause  
1-59 a projectile to cross the boundary of the tract.

1-60 SECTION 3. This Act takes effect immediately if it receives  
1-61 a vote of two-thirds of all the members elected to each house, as  
1-62 provided by Section 39, Article III, Texas Constitution. If this  
1-63 Act does not receive the vote necessary for immediate effect, this

2-1 Act takes effect September 1, 2005.

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