

By: Shapiro, Nelson

S.B. No. 1742

A BILL TO BE ENTITLED

AN ACT

relating to municipal regulation of the discharge of firearms and certain other weapons; providing a criminal penalty.

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

SECTION 1. Section 229.002, Local Government Code, is amended to read as follows:

Sec. 229.002. REGULATION OF DISCHARGE OF WEAPON.

(a) Except as provided by Subsection (b), a [A] municipality may not apply 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, if the firearm or other weapon is:

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

(A) on a tract of land of 10 acres or more and more than 1,500 ~~[150]~~ feet from:

(i) a residence or occupied building located on another property; ~~and~~

(ii) the property line of a public tract of land, generally accessible by the public, that is routinely used for organized sporting or recreational activities or that has permanent recreational facilities or equipment;

(iii) the property line of a residential subdivision; and

1 (iv) the property line of a multifamily
2 residential complex; and

3 (B) in a manner not reasonably expected to cause
4 a projectile to cross the boundary of the tract; ~~or~~

5 (2) a center fire or rim fire rifle or pistol of any
6 caliber discharged:

7 (A) on a tract of land of 50 acres or more and
8 more than 1,500 ~~[300]~~ feet from:

9 (i) a residence or occupied building
10 located on another property; and

11 (ii) the property line of a public tract of
12 land, generally accessible by the public, that is routinely used
13 for organized sporting or recreational activities or that has
14 permanent recreational facilities or equipment;

15 (iii) the property line of a residential
16 subdivision; and

17 (iv) the property line of a multifamily
18 residential complex; and

19 (B) in a manner not reasonably expected to cause
20 a projectile to cross the boundary of the tract; or

21 (3) discharged at a sport shooting range, as defined
22 by Section 250.001, in a manner not reasonably expected to cause a
23 projectile to cross the boundary of a tract of land.

24 (b) A municipality may adopt and enforce a regulation
25 prohibiting or restricting excessive noise from the discharge of a
26 firearm in the extraterritorial jurisdiction of the municipality or
27 in an area annexed by the municipality after September 1, 1981.

SECTION 2. Chapter 229, Local Government Code, is amended by adding Section 229.003 to read as follows:

Sec. 229.003. DISCHARGE OF FIREARM ACROSS PROPERTY LINE; CRIMINAL PENALTY. (a) In this section, "firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

(b) A person commits an offense if:

(1) the person knowingly discharges a firearm; and

(2) the projectile from the firearm travels across a property line of property that is located in the extraterritorial jurisdiction of a municipality.

(c) An offense under this section is a Class C misdemeanor. It is a defense to prosecution under this section that the person:

(1) owns the property on both sides of each property line crossed by the projectile; or

(2) has a written agreement with any person who owns property on either side of each property line crossed by the projectile that allows the person to discharge a firearm on, over, or across the property or property line.

(d) The written agreement required under Subsection (c)(2) must:

(1) contain the name of the person allowed to discharge the firearm;

(2) identify the property on either side of the property line crossed by the projectile; and

(3) be signed by any person who owns the property on

1 either side of the property line crossed by the projectile.

2 (e) If conduct constituting an offense under this section
3 constitutes an offense under a section of the Penal Code, the person
4 may be prosecuted under either section or both sections.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2009.