

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 30, 2009
Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 1742 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Shapiro

Ken Paulding
Danzon

Spencer Nelson

Robert Lee Nichols

Ryan West

On the part of the Senate

Julie Laubach

Stan Parker
SP3409

John A. Mallick

McCall

Kevin Patton

On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 1742

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the discharge of firearms and certain
other weapons by certain municipalities.

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

SECTION 1. Chapter 229, Local Government Code, is amended
by adding Section 229.003 to read as follows:

Sec. 229.003. REGULATION OF DISCHARGE OF WEAPON BY CERTAIN
MUNICIPALITIES. (a) This section applies only to a municipality
located wholly or partly in a county:

(1) with a population of 450,000 or more;

(2) in which all or part of a municipality with a
population of one million or more is located; and

(3) that is located adjacent to a county with a
population of two million or more.

(b) Notwithstanding Section 229.002, 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:

(i) more than 1,000 feet from:

(a) the property line of a public

1 tract of land, generally accessible by the public, that is
2 routinely used for organized sporting or recreational activities or
3 that has permanent recreational facilities or equipment; and
4 (b) the property line of a school,
5 hospital, or commercial day-care facility;
6 (ii) more than 600 feet from:
7 (a) the property line of a residential
8 subdivision; and
9 (b) the property line of a multifamily
10 residential complex; and
11 (iii) more than 150 feet from a residence or
12 occupied building located on another property; and
13 (B) in a manner not reasonably expected to cause
14 a projectile to cross the boundary of the tract;
15 (2) a center fire or rim fire rifle or pistol of any
16 caliber discharged:
17 (A) on a tract of land of 50 acres or more and:
18 (i) more than 1,000 feet from:
19 (a) the property line of a public
20 tract of land, generally accessible by the public, that is
21 routinely used for organized sporting or recreational activities or
22 that has permanent recreational facilities or equipment; and
23 (b) the property line of a school,
24 hospital, or commercial day-care facility;
25 (ii) more than 600 feet from:
26 (a) the property line of a residential
27 subdivision; and

- 1 (b) the property line of a multifamily
2 residential complex; and
3 (iii) more than 300 feet from a residence or
4 occupied building located on another property; and
5 (B) in a manner not reasonably expected to cause
6 a projectile to cross the boundary of the tract; or
7 (3) discharged at a sport shooting range, as defined
8 by Section 250.001, in a manner not reasonably expected to cause a
9 projectile to cross the boundary of a tract of land.

10 SECTION 2. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2009.

Senate Bill 1742
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Amends Section 229.002, Local Government Code, relating to the regulation of the discharge of a weapon in the extraterritorial jurisdiction of a municipality or in an area annexed by the municipality after September 1, 1981.

No equivalent provision.

No equivalent provision.

No equivalent provision.

HOUSE VERSION

No equivalent provision. (*see SECTION 1 below.*)

SECTION 1. Chapter 229, Local Government Code, is amended by adding Section 229.003, REGULATION OF DISCHARGE OF WEAPON BY CERTAIN MUNICIPALITIES, as follows:

(a) Applies provisions of the section only to a municipality located wholly or partly in a county with a population of 450,000 or more, in which all or part of a municipality with a population of one million or more is located, and that is located adjacent to a county with a population of two million or more.

(b) Notwithstanding Section 229.002 *and except as provided by Subsection (c)*, prohibits a municipality from applying 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)(i) on a tract of land of 10 acres or more and more

CONFERENCE

Same as House version.

SECTION 1. Same as House version, except as follows:

(a) Same as House version.

(b) Notwithstanding Section 229.002, prohibits a municipality from applying 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:

(*See (A)(iii) below.*)

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than *1,500 feet* from a residence or occupied building located on another property;

(A)(ii) on a tract of land of 10 acres or more and more than *1,500 feet* from 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;

No equivalent provision.

(A)(iii) on a tract of land of 10 acres or more and more than *1,500 feet* from the property line of a residential subdivision; and

(A)(iv) on a tract of land of 10 acres or more and more than *1,500 feet* from the property line of a multifamily residential complex; and

(See (A)(i) above.)

(B) in a manner not reasonably expected to cause a projectile to cross the boundary of the tract;
(2) a center fire or rim fire rifle or pistol of any caliber discharged:

(A)(i)(a) on a tract of land of 10 acres or more and more than *1,000 feet* from 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;

(A)(i)(b) on a tract of land of 10 acres or more and more than 1,000 feet from the property line of a school, hospital, or commercial day-care facility;

(A)(ii)(a) on a tract of land of 10 acres or more and more than *600 feet* from the property line of a residential subdivision; and

(A)(ii)(b) on a tract of land of 10 acres or more and more than *600 feet* from the property line of a multifamily residential complex; and

(A)(iii) on a tract of land of 10 acres or more and more than *150 feet* from a residence or occupied building located on another property; and

(B) in a manner not reasonably expected to cause a projectile to cross the boundary of the tract;
(2) a center fire or rim fire rifle or pistol of any caliber discharged:

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(A)(i) on a tract of land of 50 acres or more and more than **1,500 feet** from a residence or occupied building located on another property;

(A)(ii) on a tract of land of 50 acres or more and more than **1,500 feet** from 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;

No equivalent provision.

(A)(iii) on a tract of land of 50 acres or more and more than **1,500 feet** from the property line of a residential subdivision; and

(A)(iv) on a tract of land of 50 acres or more and more than **1,500 feet** from the property line of a multifamily residential complex; and

(See(A)(i) above.)

(B) in a manner not reasonably expected to cause a

(See (A)(iii) below.)

(A)(i)(a) on a tract of land of 50 acres or more and more than **1,000 feet** from 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; and

(A)(i)(b) on a tract of land of 50 acres or more and more than 1,000 feet from the property line of a school, hospital, or commercial day-care facility;

(A)(ii)(a) on a tract of land of 50 acres or more and more than **600 feet** from the property line of a residential subdivision; and

(A)(ii)(b) on a tract of land of 50 acres or more and more than **600 feet** from the property line of a multifamily residential complex; and

(A)(iii) on a tract of land of 50 acres or more and more than **300 feet** from a residence or occupied building located on another property; and

(B) in a manner not reasonably expected to cause a

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

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

No equivalent provision.

(c) Authorizes a municipality to adopt and enforce a
regulation prohibiting or restricting excessive noise from
the discharge of a firearm in the extraterritorial
jurisdiction of the municipality or in an area annexed by
the municipality after September 1, 1981.

Same as Senate version.

SECTION 2. Chapter 229, Local Government Code, is
amended by adding Section 229.003, DISCHARGE OF
FIREARM ACROSS PROPERTY LINE; CRIMINAL
PENALTY.

No equivalent provision.

Same as House version.

SECTION 3. Effective date.

SECTION 2. Same as Senate version.

SECTION 2. Same as Senate version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

**TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives**

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB1742 by Shapiro (Relating to the regulation of the discharge of firearms and certain other weapons by certain municipalities.), Conference Committee Report

No fiscal implication to the State is anticipated.

Notwithstanding other provisions of the Local Government Code, the bill would amend the Local Government Code to prohibit certain municipalities from applying a regulation to the discharge of firearms or other weapons in the municipality's extraterritorial jurisdiction or in an area annexed by the municipality after September 1, 1981, depending on the type of firearm or other weapon and other circumstances.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, ESi, DB

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on S B. 1742 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

Ken Partridge
(name)

5/30/09
(date)