

CHAPTER 838

S.B. No. 1187

An Act relating to the prohibition of the municipal regulation of firearms, ammunition, and firearm supplies; making certain exceptions.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. PROHIBITION. Except as provided by Section 2 of this Act, a city or town may not adopt regulations relating to the transfer, private ownership, keeping, transportation, license, or registration of firearms, ammunition, or firearm supplies.

SECTION 2. EXCEPTIONS. (a) This Act does not affect the authority that a city or town may have under another law:

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

(2) to regulate the discharge of firearms within the limits of the city or town;

(3) to regulate the use of property or location of businesses or uses therein pursuant to the city's fire code, zoning ordinance, or land use regulations so long as such codes, ordinances, and regulations are not used to circumvent the intent of Section 1 or Subdivision (5) of Section 2 of this Act;

(4) to regulate the use of firearms in cases of insurrections, riots, and natural disasters in which the city finds such regulations necessary to protect the health and safety of the public;

(5) to regulate the storage or transportation of explosives in order to protect the health and safety of the public with the exception of blackpowder which is exempt up to 25 pounds per private residence and 50 pounds per retail dealer; or

(6) to regulate the carrying of a firearm at:

(A) a public park or at a public meeting of a city, county, or other governmental body;

(B) a political rally, parade, or official political meeting; or

(C) a nonfirearms related school, college, or professional athletic event.

(b) The exception provided by Subdivision (6) of Subsection (a) of this section does not apply if the firearm was in or carried to and from an area designated for use in a lawful hunting, fishing, or other sporting event and the firearm is of the type commonly used in the activity.

SECTION 3. PUNISHMENT OF PRIOR VIOLATIONS. This Act does not affect a violation occurring before the effective date of this Act of a regulation invalidated by this Act. A proceeding to punish the violation may be instituted and liability or a penalty may be imposed as if this Act were not in force. The regulation is continued in effect for this purpose.

SECTION 4. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 22, 1985, by the following vote: Yeas 24, Nays 2; passed the House on May 25, 1985, by the following vote: Yeas 108, Nays 35, one present not voting.

Approved: June 15, 1985

Effective: Immediately