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## **Review of New Gun Laws from the 2013 Texas Legislative Session**

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**Texas** - The 83rd Legislature Regular Session is mostly wrapped up but is back in a special session.

What follows is some helpful information and discussion of the firearms legislation that passed and some points to note for the special session as well as some additional information.

Currently no gun control legislation passed during the regular session – including proposals that were introduced to restrict private firearm transfers at gun shows, ban standard capacity magazines, gut the state firearms preemption law and require drug testing for CHL applicants.

The Texas Legislature adjourned its regular session on Memorial Day after passing fifteen pro-Second Amendment measures, and was immediately called back into special session by Governor Rick Perry to address the drawing of district lines in which Federal and State lawmakers will run for re-election next year.

The Governor can add issue items to the agenda (*known as “the call”*) as the special session progresses. As such it should be noted that under Senate rules in place during the regular session, a 2/3 vote is necessary to bring a measure up for debate in the legislative chamber – (*Seats held: 12 D and 19 R*)

*However, rules can change in the special session, where only a majority vote could be necessary to consider and pass measures placed on the call.*

### **Concealed Carry on Campus**

For the last three sessions, this topic has been debated and discussed. During that time, there has been four shooting/stabbing incidents on or in the immediate vicinity of the campuses of the University of Texas at Austin, Texas A&M University-College Station and two branches of the Lone Star College System. This special session could see this added in the “*call*”. Contact your legislator and let them know you and your family’s thoughts on this topic.

### **Supremes say militia isn't the issue:**

The Supreme Court ruled in *D.C. v. Heller*, that the Second Amendment “codified a pre-existing right” and that it “protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home” but also stated that “the right is not unlimited.”

**NOTE:** It's not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose”. They also clarified that many longstanding prohibitions and restrictions on firearms possession listed by the Court are consistent with the Second Amendment.

## **TEXAS PASSED BILLS**

The following bills have been signed into law by Gov. Perry:

- [\*\*SB 299 Inadvertent display\*\*](#) protects against charges of unlawful carry for the inadvertent or accidental display of a handgun by a Concealed Handgun Licensee (CHL). (*Effective 9/1/13*)
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- [\*\*SB 864 CHL Instruction Time\*\*](#) reduces the minimum number of required classroom training for original and renewal CHLs from 10-15 to 4-6 hours. A long overdue revision as the original 10-15 hours was set before the course material was written. The revision is more than adequate time to cover all the required material with CHL applicants. (*Effective 9/1/13*)
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- [\*\*SB 1907 Firearms in Cars\*\*](#) prohibits public and private colleges and universities from adopting or enforcing policies restricting the possession, transportation and storage of any lawfully-owned firearms and ammunition by CHLs in their locked, privately-owned motor vehicles while driving through or parking on campus. (*Effective 9/1/13*)
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- [\*\*SB 987 State Preemption Injunction\*\*](#) allows the Texas Attorney General to seek a temporary or permanent injunction against a city or county that adopts a regulation in violation of the State Firearms Preemption Statute. (*Effective Immediately*)
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- [\*\*SB 1400 BB and Air Guns Inclusion\*\*](#) protects BB guns and other air guns against most local regulations by including them in the State Firearms Preemption Statute. (*Effective Immediately*)
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- [\*\*SB 1857 School Safety Certificates\*\*](#) directs the Texas DPS to establish a process by which qualified concealed handgun instructors may obtain additional certification in “school safety”. Successful completion of this advanced training would allow the instructor to teach these advanced security techniques to employees of school districts or open-enrollment charter schools who hold CHLs. (*Effective 9/1/13*)
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- [\*\*HB 48 CHL No Class Renewals\*\*](#) streamlines the process for renewal of a CHL by eliminating the continuing education requirement and handgun proficiency demonstration. Applicants would still be required to renew their licenses every five years, but they would be provided with an informational form regarding pertinent firearms and deadly force laws, which would have to be signed and turned in with the CHL renewal application. Renewal applications can be submitted on the Internet. (*Effective 9/1/13*)
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- [HB 333 Firearms in Hotels](#) requires hotels which restrict the possession, storage or transportation of firearms to notify guests of such policies on their websites or when confirming reservations. *(Effective 9/1/13)*
- [HB 485 CHL Renewal Fees](#) reduces fees for original/renewal CHL charged to veterans who are honorably discharged after at least one year of military service, reserve and part-time peace officers, Texas Department of Criminal Justice (TDCJ) correctional officers and members of the Texas Military Forces from \$70 to \$35, respectively, to \$25. *(Effective 9/1/13)*
- [HB 698 CHL Fingerprints](#) requires DPS to establish procedures for the submission of fingerprints by CHL applicants who live in counties with populations of less than 46,000 and do not live within 25 miles of a designated facility capable of processing them digitally or electronically. Availability of such services continues to be a problem in rural areas, as the state currently only contracts with one company. *(Effective 9/1/13)*
- [HB 1009 School Marshal](#) The “Protection of Texas Children Act” creates a new category of law enforcement called a “school marshal” in public k-12 schools and charters. Marshal’s will be allowed to carry a gun and their identity would only be known to the school’s head administrator and law enforcement. If working in a classroom or around children, the school marshal’s weapon will be locked away but within reach. Effective immediately. In order to become a school marshal, applicants would have to complete an intensive training program developed by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). However, the program would also be open to any employee of a school district or open-enrollment charter school who has a CHL. The governing bodies of the institutions would decide whether to appoint marshals to certain schools. *(Effective Immediately)*
- [HB 1349 CHL No SSN Required](#) prohibits the Texas DPS from requesting or requiring that an applicant’s social security number be disclosed during the process of obtaining an original or renewal CHL. *(Effective Jan 1, 2014)*
- [HB 1421 Seizure and Sell](#) allows firearms seized by law enforcement in connection with a crime, and not returnable to a rightful owner, to be sold at a public sale to a federal firearms licensed dealers rather than be destroyed. Proceeds go to the law enforcement agency that seized it. *(Effective 9/1/13)*
- [HB 3142 CHL Handgun Category Removed](#) repeals both the requirement that CHL applicants demonstrate proficiency with a specific category of handgun (semi-automatic or non-semi-automatic) and the limitation on CHLs carrying the category of handgun with which they qualified. *(Effective Immediately)*

## They want what?

HB 508 Intended to add clarification to existing CHL law, got twisted in to extending special privileges to lawmakers to carry in locations where ordinary CHLs cannot legally protect themselves. Lawmakers objected to the hypocrisy of the proposal and since the amendment could not be separated from the underlying bill at that stage of the process, the measure was voted down.

## TX CITIES' ACHILLES HEEL ON GUN LAWS

TX Firearms Preemption Statute states that a municipality may not adopt regulations relating to the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, ammunition, or firearm supplies...

This article serves as an overview of some of the laws relating to firearms in Texas and some of the bills pending before the 83rd Session of the Texas Legislature.

Before purchasing or taking possession of any NFA firearm, consult with an attorney experienced with gun trusts and firearms law. We cannot stress enough if you plan to purchase, possess, or pass on a firearm that you become aware of all Federal as well as your state and local firearms laws that apply to your situation.

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