

LOCAL GOVERNMENT CODE

TITLE 11. PUBLIC SAFETY

SUBTITLE C. PUBLIC SAFETY PROVISIONS APPLYING TO MORE THAN ONE TYPE  
OF LOCAL GOVERNMENT

CHAPTER 365. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC  
BUILDINGS

Sec. 365.001. APPLICABILITY. (a) This chapter applies to a building or portion of a building:

(1) that is:

(A) used by a political subdivision of this state; and

(B) generally open to the public; and

(2) in which:

(A) carrying a handgun or other firearm, location-restricted knife, club, or other weapon on the premises or part of the premises would violate Chapter 46, Penal Code, or other law; or

(B) the political subdivision in control of the building, by sign or otherwise, prohibits handguns or other firearms, location-restricted knives, clubs, or other weapons on the premises or part of the premises.

(b) This chapter does not apply to:

(1) a penal institution, as that term is defined by Section 1.07, Penal Code; or

(2) a public primary or secondary school or institution of higher education.

Added by Acts 2021, 87th Leg., R.S., Ch. 786 (H.B. 29), Sec. 2, eff. September 1, 2021.

Sec. 365.002. TEMPORARY SECURE WEAPON STORAGE. (a) A political subdivision may provide temporary secure weapon storage for a building or portion of a building to which this chapter applies for persons who enter the building or portion of the building with a weapon prohibited in that building or portion of the building.

(b) The temporary secure weapon storage may be provided by:

(1) self-service weapon lockers described by Section 365.003; or

(2) other temporary secure weapon storage operated at all times by a designated employee of the political subdivision under Section 365.004.

Added by Acts 2021, 87th Leg., R.S., Ch. 786 (H.B. 29), Sec. 2, eff. September 1, 2021.

Sec. 365.003. SELF-SERVICE WEAPON LOCKERS FOR TEMPORARY SECURE STORAGE. (a) A political subdivision may provide self-service weapon lockers for the temporary secure storage of any weapon prohibited in a building or portion of a building.

(b) A self-service weapon locker must allow secure locking by the user and:

(1) provide a key for reopening; or

(2) reopen by electronic means, such as by a fingerprint scan or entry of a numeric code.

(c) A political subdivision may require a person to submit the person's name, the number of the person's driver's license or other form of identification, and the person's telephone number as a condition for use of a self-service weapon locker.

(d) A person placing a weapon in a self-service weapon locker may designate an alternate person to whom the weapon may be released if the person is not able to reclaim the person's weapon before the 30th day after the date the weapon was placed in the locker.

Added by Acts 2021, 87th Leg., R.S., Ch. 786 (H.B. 29), Sec. 2, eff. September 1, 2021.

Sec. 365.004. TEMPORARY SECURE WEAPON STORAGE ADMINISTERED BY EMPLOYEE OF POLITICAL SUBDIVISION. (a) A political subdivision may provide temporary secure weapon storage operated by a designated employee of the political subdivision for a building or portion of a building in which weapons are prohibited.

(b) The weapons in temporary secure weapon storage must be held in a safe, locker, or other location that is locked and accessible only to the designated employee.

(c) If a person chooses to give to the designated employee the person's weapon for temporary secure storage, the employee shall:

- (1) securely affix a claim tag to the weapon;
- (2) provide the person with a claim receipt for reclaiming the weapon;
- (3) record the person's name, the number of the person's driver's license or other form of identification, and the person's telephone number; and
- (4) if designated by the person placing the weapon in temporary secure weapon storage, record the name of an alternate person to whom the weapon may be released if the person is not able to reclaim the person's weapon before the 30th day after the date the weapon was placed in storage.

(d) A person may reclaim the person's weapon by showing the designated employee operating the temporary secure weapon storage:

- (1) the claim receipt given to the person at the time the weapon was placed in temporary secure storage; or
- (2) the person's driver's license or other form of identification.

(e) A political subdivision that provides temporary secure weapon storage under this section shall ensure that:

- (1) the temporary secure weapon storage is available and monitored by a designated employee of the political subdivision at all times that the building or portion of the building is open to the public; and
- (2) a person who is choosing to place the weapon in storage or retrieving the weapon from storage is not required to wait more than a reasonable period.

Added by Acts 2021, 87th Leg., R.S., Ch. 786 (H.B. 29), Sec. 2, eff. September 1, 2021.

Sec. 365.005. FEES. A political subdivision under this chapter may collect a fee of not more than \$5 for the use of a self-service weapon locker or other temporary secure weapon storage.

Added by Acts 2021, 87th Leg., R.S., Ch. 786 (H.B. 29), Sec. 2, eff.

September 1, 2021.

Sec. 365.006. UNCLAIMED WEAPONS. (a) A weapon that is unclaimed at the end of a business day may be removed from the self-service weapon locker or other temporary secure storage and placed in another secure location.

(b) If practicable, the political subdivision shall notify the person who placed the weapon in a self-service weapon locker or other temporary secure storage that the weapon is in the custody of the political subdivision and is subject to forfeiture if not reclaimed before the 30th day after the date the weapon was placed in a self-service weapon locker or other temporary secure storage. If the person provided a telephone number when the weapon was placed in a self-service weapon locker or other temporary secure storage, the political subdivision shall notify the person by using that telephone number.

(c) At each location where a weapon may be placed in a self-service weapon locker or other temporary secure storage, the political subdivision shall post a sign that describes the process for reclaiming a weapon left in a self-service weapon locker or other temporary secure storage for more than one business day.

(d) The political subdivision may require identification or other evidence of ownership before returning the unclaimed weapon. On return of the weapon, the political subdivision may charge a fee of not more than \$10 per day and not to exceed a total of \$150 for the extended storage of the weapon.

(e) If the weapon is not reclaimed before the 30th day after the date the weapon was placed in a self-service weapon locker or other temporary secure storage, the weapon is forfeited.

(f) If the forfeited weapon may not be legally possessed in this state, the political subdivision shall turn the weapon over to local law enforcement as evidence or for destruction.

(g) If a person may legally possess the weapon in this state:

(1) the forfeited weapon may be sold at public sale by an auctioneer licensed under Chapter 1802, Occupations Code; or

(2) the law enforcement agency holding the weapon may

release the weapon to another person if:

(A) the person:

(i) claims a right to or interest in the weapon and provides an affidavit confirming that the person wholly or partly owns the weapon or otherwise has a right to or interest in the weapon; or

(ii) is an alternate person designated by the person under Section 365.003(d) or 365.004(c)(4); and

(B) for a weapon that is a firearm, the law enforcement agency conducts a check of state and national criminal history record information and verifies that the person may lawfully possess a firearm under 18 U.S.C. Section 922(g).

(h) Only a firearms dealer licensed under 18 U.S.C. Section 923 may purchase a firearm at public sale under this section.

(i) Proceeds from the sale of a weapon under this section shall be transferred, after the deduction of auction costs, to the treasury of the political subdivision.

Added by Acts 2021, 87th Leg., R.S., Ch. 786 (H.B. 29), Sec. 2, eff. September 1, 2021.