

State Laws and Published Ordinances – Texas

Office of the Attorney General

Post Office Box 12548
Austin, TX 78711-2548

Voice: (512) 463-2100

<https://www.texasattorneygeneral.gov/>



Dallas Field Division

1114 Commerce Street, Room 303
Dallas, TX 75242

Voice: (469) 227-4300

<https://www.atf.gov/dallas-field-division>



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Houston Field Division

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Houston, TX 77086

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<https://www.atf.gov/houston-field-division>

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Code of Criminal Procedure
Title 1 – Code of Criminal Procedure of 1965
Prevention and Suppression of Offenses
Chapter 7B – Protective Orders [Effective January 1, 2021]
Subchapter A – Protective Order for Victims of Sexual Assault or Abuse, Stalking, or Trafficking [Effective January 1, 2021]

Article 7B.005. Conditions Specified by Protective Order. [Effective January 1, 2021]

(a) In a protective order issued under this subchapter, the court may:

(1) order the alleged offender to take action as specified by the court that the court determines is necessary or appropriate to prevent or reduce the likelihood of future harm to the applicant or a member of the applicant's family or household; or

(2) prohibit the alleged offender from:

(D) possessing a firearm, unless the alleged offender is a peace officer, as defined by [Section 1.07, Penal Code](#), actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.

(c) In a protective order, the court may suspend a license to carry a handgun issued under [Section 411.177, Government Code](#), that is held by the alleged offender. ([Code Crim. Proc., Art. 7A.05.](#))

Estates Code
Title 3 – Guardianship and Related Procedures
Subtitle F – Evaluation, Modification, or Termination of Guardianship
Chapter 1202 – Modification or Termination of Guardianship
Subchapter E – Restoration of Rights on Termination of Guardianship

Section 1202.201. Removal of firearm disability on complete restoration of ward's capacity.

(a) A person whose guardianship was terminated because the person's capacity was completely restored may file an application with the court that created the guardianship for an order requesting the removal of the person's disability to purchase a firearm imposed under 18 U.S.C. Section 922(g)(4).

(b) At a proceeding involving the complete restoration of the ward's capacity under Subchapter B, the ward or a person interested in the ward's welfare may request an order seeking relief from a firearms disability described by Subsection (a).

(c) In determining whether to grant the relief sought under Subsection (a) or (b), the court must hear and consider evidence about:

(1) the circumstances that led to imposition of the firearms disability;

(2) the person's mental history;

(3) the person's criminal history; and

(4) the person's reputation.

(d) A court may not grant relief under this section unless the court makes and enters in the record the following affirmative findings:

(1) the person or ward is no longer likely to act in a manner dangerous to public safety; and

(2) removing the person's or ward's disability to purchase a firearm is in the public interest.

Texas Family Code
Title 4 – Protective Orders and Family Violence
Subtitle B – Protective Orders
Chapter 85 – Issuance of Protective Order
Subchapter B – Contents of Protective Order

Section 85.022. Requirements of order applying to person who committed family violence.

(b) In a protective order, the court may prohibit the person found to have committed family violence from:

(6) possessing a firearm, unless the person is a peace officer, as defined by [Section 1.07, Penal Code](#), actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision;

(e) In this section, "**firearm**" has the meaning assigned by [Section 46.01, Penal Code](#).

Section 85.026. Warning on protective order.

(a) Each protective order issued under this subtitle, including a temporary ex parte order, must contain the following prominently displayed statements in boldfaced type, capital letters, or underlined:

“A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500 OR BY CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR BOTH.”

“NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER.”

“IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION.”

“IF A PERSON SUBJECT TO A PROTECTIVE ORDER IS RELEASED FROM CONFINEMENT OR IMPRISONMENT FOLLOWING THE DATE THE ORDER WOULD HAVE EXPIRED, OR IF THE ORDER WOULD HAVE EXPIRED NOT LATER THAN THE FIRST ANNIVERSARY OF THE DATE THE PERSON IS RELEASED FROM CONFINEMENT OR IMPRISONMENT, THE ORDER IS AUTOMATICALLY EXTENDED TO EXPIRE ON:

“(1) THE FIRST ANNIVERSARY OF THE DATE THE PERSON IS RELEASED, IF THE PERSON WAS SENTENCED TO CONFINEMENT OR IMPRISONMENT FOR A TERM OF MORE THAN FIVE YEARS; OR

“(2) THE SECOND ANNIVERSARY OF THE DATE THE PERSON IS RELEASED, IF THE PERSON WAS SENTENCED TO CONFINEMENT OR IMPRISONMENT FOR A TERM OF FIVE YEARS OR LESS.”

“A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT RESULTS IN FAMILY VIOLENCE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO YEARS.”

(b) [Repealed by Acts 2011, 82nd Leg., ch. 632 (S.B. 819), § 6(2), effective September 1, 2011.]

(c) Each protective order issued under this subtitle, including a temporary ex parte order, must contain the following prominently displayed statement in boldfaced type, capital letters, or underlined:

“NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER.”

**Government Code
Title 4 – Executive Branch
Subtitle B – Law Enforcement and Public Protection
Chapter 411 – Department of Public Safety of the State of Texas
Subchapter H – License to Carry a Handgun**

Section 411.171. Definitions.

In this subchapter:

(2) **"Chemically dependent person"** means a person who frequently or repeatedly becomes intoxicated by excessive indulgence in alcohol or uses controlled substances or dangerous drugs so as to acquire a fixed habit and an involuntary tendency to become intoxicated or use those substances as often as the opportunity is presented.

(4) **"Convicted"** means an adjudication of guilt or, except as provided in § 411.1711, an order of deferred adjudication entered against a person by a court of competent jurisdiction whether or not the imposition of the sentence is subsequently probated and the person is discharged from community supervision. The term does not include an adjudication of guilt or an order of deferred adjudication that has been subsequently:

(A) expunged;

(B) pardoned under the authority of a state or federal official; or

(C) otherwise vacated, set aside, annulled, invalidated, voided, or sealed under any state or federal law.

(5) **"Handgun"** has the meaning assigned by § 46.01, Penal Code.

(6) "Intoxicated" has the meaning assigned by § 49.01, Penal Code.

(7) "Qualified handgun instructor" means a person who is certified to instruct in the use of handguns by the department.

Section 411.1711. Certain exemptions from convictions.

A person is not convicted, as that term is defined by § 411.171, if an order of deferred adjudication was entered against the person on a date not less than 10 years preceding the date of the person's application for a license under this subchapter unless the order of deferred adjudication was entered against the person for:

(1) a felony offense under:

(A) Title 5, Penal Code;

(B) Chapter 29, Penal Code;

(C) Section 25.07 or 25.072, Penal Code; or

(D) Section 30.02, Penal Code, if the offense is punishable under Subsection (c)(2) or (d) of that section; or

(2) an offense under the laws of another state if the offense contains elements that are substantially similar to the elements of an offense listed in Subdivision (1).

Section 411.172. Eligibility.

(a) A person is eligible for a license to carry a handgun if the person:

(1) is a legal resident of this state for the six-month period preceding the date of application under this subchapter or is otherwise eligible for a license under Section 411.173(a);

(2) is at least 21 years of age;

(3) has not been convicted of a felony;

(4) is not charged with the commission of a Class A or Class B misdemeanor or equivalent offense, or of an offense under Section 42.01, Penal Code, or equivalent offense, or of a felony under an information or indictment;

(5) is not a fugitive from justice for a felony or a Class A or Class B misdemeanor or equivalent offense;

(6) is not a chemically dependent person;

(7) is not incapable of exercising sound judgment with respect to the proper use and storage of a handgun;

(8) has not, in the five years preceding the date of application, been convicted of a Class A or Class B misdemeanor or equivalent offense or of an offense under Section 42.01, Penal Code, or equivalent offense;

(9) is fully qualified under applicable federal and state law to purchase a handgun;

(10) has not been finally determined to be delinquent in making a child support payment administered or collected by the attorney general;

(11) has not been finally determined to be delinquent in the payment of a tax or other money collected by the comptroller, the tax collector of a political subdivision of the state, or any agency or subdivision of the state;

(12) is not currently restricted under a court protective order or subject to a restraining order affecting the spousal relationship, other than a restraining order solely affecting property interests;

(13) has not, in the 10 years preceding the date of application, been adjudicated as having engaged in delinquent conduct violating a penal law of the grade of felony; and

(14) has not made any material misrepresentation, or failed to disclose any material fact, in an application submitted pursuant to Section 411.174.

(b) For the purposes of this section, an offense under the laws of this state, another state, or the United States is:

(1) except as provided by Subsection (b-1), a felony if the offense, at the time the offense is committed:

(A) is designated by a law of this state as a felony;

(B) contains all the elements of an offense designated by a law of this state as a felony; or

(C) is punishable by confinement for one year or more in a penitentiary; and

(2) a Class A misdemeanor if the offense is not a felony and confinement in a jail other than a state jail felony facility is affixed as a possible punishment.

(b-1) An offense is not considered a felony for purposes of Subsection (b) if, at the time of a person's application for a license to carry a handgun, the offense:

(1) is not designated by a law of this state as a felony; and

(2) does not contain all the elements of any offense designated by a law of this state as a felony.

(c) An individual who has been convicted two times within the 10-year period preceding the date on which the person applies for a license of an offense of the grade of Class B misdemeanor or greater that involves the use of alcohol or a controlled substance as a statutory element of the offense is a chemically dependent person for purposes of this section and is not qualified to receive a license under this subchapter. This subsection does not preclude the disqualification of an individual for being a chemically dependent person if other evidence exists to show that the person is a chemically dependent person.

(d) For purposes of Subsection (a)(7), a person is incapable of exercising sound judgment with respect to the proper use and storage of a handgun if the person:

(1) has been diagnosed by a licensed physician as suffering from a psychiatric disorder or condition that causes or is likely to cause substantial impairment in judgment, mood, perception, impulse control, or intellectual ability;

(2) suffers from a psychiatric disorder or condition described by Subdivision (1) that:

(A) is in remission but is reasonably likely to redevelop at a future time; or

(B) requires continuous medical treatment to avoid redevelopment;

(3) has been diagnosed by a licensed physician, determined by a review board or similar authority, or declared by a court to be incompetent to manage the person's own affairs; or

(4) has entered in a criminal proceeding a plea of not guilty by reason of insanity.

(e) The following constitutes evidence that a person has a psychiatric disorder or condition described by Subsection (d)(1):

(1) involuntary psychiatric hospitalization;

(2) psychiatric hospitalization;

(3) inpatient or residential substance abuse treatment in the preceding five-year period;

(4) diagnosis in the preceding five-year period by a licensed physician that the person is dependent on alcohol, a controlled substance, or a similar substance; or

(5) diagnosis at any time by a licensed physician that the person suffers or has suffered from a psychiatric disorder or condition consisting of or relating to:

(A) schizophrenia or delusional disorder;

(B) bipolar disorder;

(C) chronic dementia, whether caused by illness, brain defect, or brain injury;

(D) dissociative identity disorder;

(E) intermittent explosive disorder; or

(F) antisocial personality disorder.

(f) Notwithstanding Subsection (d), a person who has previously been diagnosed as suffering from a psychiatric disorder or condition described by Subsection (d) or listed in Subsection (e) is not because of that disorder or condition incapable of exercising sound judgment with respect to the proper use and storage of a handgun if the person provides the department with a certificate from a licensed physician whose primary practice is in the field of psychiatry stating that the psychiatric disorder or condition is in remission and is not reasonably likely to develop at a future time.

(g) Notwithstanding Subsection (a)(2), a person who is at least 18 years of age but not yet 21 years of age is eligible for a license to carry a handgun if the person:

(1) is a member or veteran of the United States armed forces, including a member or veteran of the reserves or national guard;

(2) was discharged under honorable conditions, if discharged from the United States armed forces, reserves, or national guard; and

(3) meets the other eligibility requirements of Subsection (a) except for the minimum age required by federal law to purchase a handgun.

(h) The issuance of a license to carry a handgun to a person eligible under Subsection (g) does not affect the person's ability to purchase a handgun or ammunition under federal law. **(i)** Notwithstanding Subsection (a)(2), a person who is at least 18 years of age but not yet 21 years of age is eligible for a license to carry a handgun if the person:

(1) is protected under:

(A) an active protective order issued under:

(i) Title 4, Family Code; or

(ii) Subchapter A, Chapter 7B, Code of Criminal Procedure; or

(B) an active magistrate's order for emergency protection under Article 17.292, Code of Criminal Procedure; and

(2) meets the other eligibility requirements of Subsection (a) except for the minimum age required by federal law to purchase a handgun.

Section 411.174. Application.

(a) An applicant for a license to carry a handgun must submit to the director's designee described by Section 411.176:

(1) a completed application on a form provided by the department that requires only the information listed in Subsection (b);

(2) one or more photographs of the applicant that meet the requirements of the department;

(3) a certified copy of the applicant's birth certificate or certified proof of age;

(4) proof of residency in this state;

(5) two complete sets of legible and classifiable fingerprints of the applicant taken by a person appropriately trained in recording fingerprints who is employed by a law enforcement agency or by a private entity designated by a law enforcement agency as an entity qualified to take fingerprints of an applicant for a license under this subchapter;

(6) a nonrefundable application and license fee of \$40 paid to the department;

(7) evidence of handgun proficiency, in the form and manner required by the department;

(8) an affidavit signed by the applicant stating that the applicant:

(A) has read and understands each provision of this subchapter that creates an offense under the laws of this state and each provision of the laws of this state related to use of deadly force; and

(B) fulfills all the eligibility requirements listed under Section 411.172; and

(9) a form executed by the applicant that authorizes the director to make an inquiry into any noncriminal history records that are necessary to determine the applicant's eligibility for a license under Section 411.172(a).

(b) An applicant must provide on the application a statement of the applicant's:

(1) full name and place and date of birth;

(2) race and sex;

(3) residence and business addresses for the preceding 5 years;

(4) hair and eye color;

(5) height and weight;

(6) driver's license number or identification certificate number issued by the department;

(7) criminal history record information of the type maintained by the department under this chapter, including a list of offenses for which the applicant was arrested, charged, or under an information or indictment and the disposition of the offenses; and

(8) history, if any, of treatment received by, commitment to, or residence in:

(A) a drug or alcohol treatment center licensed to provide drug or alcohol treatment under the laws of this state or another state, but only if the treatment, commitment, or residence occurred during the preceding 5 years; or

(B) a psychiatric hospital.

(b-1) The application must provide space for the applicant to:

(1) list any military service that may qualify the applicant to receive a license with a veteran's designation under Section 411.179(e); and

(2) include proof required by the department to determine the applicant's eligibility to receive that designation.

(c) The department shall distribute on request a copy of this subchapter and application materials.

(d) The department may not request or require an applicant to provide the applicant's social security number as part of an application under this section.

Section 411.176. Review of application materials.

(a) On receipt of application materials by the department at its Austin headquarters, the department shall conduct the appropriate criminal history record check of the applicant through its computerized criminal history system. Not later than the 30th day after the date the department receives the application materials, the department shall forward the materials to the director's designee in the geographical area of the applicant's residence so that the designee may conduct the investigation described by Subsection (b). For purposes of this section, the director's designee may be a noncommissioned employee of the department.

(b) The director's designee as needed shall conduct an additional criminal history record check of the applicant and an investigation of the applicant's local official records to verify the accuracy of the application materials. The director's designee may access any records necessary for purposes of this subsection. The scope of the record check and the investigation are at the sole discretion of the department, except that the director's designee shall complete the record check and investigation not later than the 60th day after the date the department receives the application materials. The department shall send a fingerprint card to the Federal Bureau of Investigation for a national criminal history check of the applicant. On completion of the investigation, the director's designee shall return all materials and the result of the investigation to the appropriate division of the department at its Austin headquarters.

(c) The director's designee may submit to the appropriate division of the department, at the department's Austin headquarters, along with the application materials a written recommendation for disapproval of the application, accompanied by an affidavit stating personal knowledge or naming persons with personal knowledge of a ground for denial under Section 411.172. The director's designee may also submit the application and the recommendation that the license be issued.

(d) On receipt at the department's Austin headquarters of the application materials and the result of the investigation by the director's designee, the department shall conduct any further record check or investigation the department determines is necessary if a question exists with respect to the accuracy of the application materials or the eligibility of the applicant, except that the department shall complete the record check and investigation not later than the 180th day after the date the department receives the application materials from the applicant.

Section 411.177. Issuance or denial of license.

(a) **The department shall issue a license to carry a handgun to an applicant if the applicant meets all the eligibility requirements and submits all the application materials. The department shall administer the licensing procedures in good faith so that any applicant who meets all the eligibility requirements and submits all the application materials shall receive a license. The department may not deny an application on the basis of a capricious or arbitrary decision by the department.**

(b) **Except as otherwise provided by Subsection (b-1), the department shall, not later than the 60th day after the date of the receipt by the director's designee of the completed application materials:**

(1) **issue the license;**

(2) **notify the applicant in writing that the application was denied:**

(A) **on the grounds that the applicant failed to qualify under the criteria listed in Section 411.172;**

(B) **based on the affidavit of the director's designee submitted to the department under Section 411.176(c); or**

(C) **based on the affidavit of the qualified handgun instructor submitted to the department under Section 411.188(k); or**

(3) **notify the applicant in writing that the department is unable to make a determination regarding the issuance or denial of a license to the applicant within the 60-day period prescribed by this subsection and include in that notification an explanation of the reason for the inability and an estimation of the additional period the department will need to make the determination.**

(b-1) **If the applicant submits with the completed application materials an application for a designation under Section 411.184, the department shall, without charging an additional fee, expedite the application. Not later than the 10th day after the receipt of the materials under this subsection, the department shall:**

(1) issue the license with the designation; or

(2) notify the applicant in writing that the applicant is not eligible for the designation under Section 411.184 and the application for the license will be processed in the regular course of business.

(b-2) Notwithstanding Subsection (b-1), if the department determines that the applicant is eligible for the designation under Section 411.184 but is unable to quickly make a determination regarding the issuance or denial of a license to the applicant, the department shall provide written notice of that fact to the applicant and shall include in that notice an explanation of the reason for the inability and an estimation of the additional period the department will need to make the determination.

(b-3) The director shall adopt policies for expedited processing under Subsection (b-1).

(c) Failure of the department to issue or deny a license for a period of more than 30 days after the department is required to act under Subsection (b) constitutes denial, regardless of whether the applicant was eligible for expedited processing of the application under Subsection (b-1).

(d) A license issued under this subchapter is effective from the date of issuance.

Section 411.180. Notification of denial, revocation, or suspension of license; Review.

(a) The department shall give written notice to each applicant for a handgun license of any denial, revocation, or suspension of that license. Not later than the 30th day after the notice is received by the applicant, according to the records of the department, the applicant or license holder may request a hearing on the denial, revocation, or suspension. The applicant must make a written request for a hearing addressed to the department at its Austin address. The request for hearing must reach the department in Austin prior to the 30th day after the date of receipt of the written notice. On receipt of a request for hearing from a license holder or applicant, the department shall promptly schedule a hearing in the appropriate justice court in the county of residence of the applicant or license holder. The justice court shall conduct a hearing to review the denial, revocation, or suspension of the license. In a proceeding under this section, a justice of the peace shall act as an administrative hearing officer. A hearing under this section is not subject to Chapter 2001 (Administrative Procedure Act). A district attorney or county attorney, the attorney general, or a designated member of the department may represent the department.

(b) The department, on receipt of a request for hearing, shall file the appropriate petition in the justice court selected for the hearing and send a copy of that petition to the applicant or license holder at the address contained in departmental records. A hearing under this section must be scheduled within 30 days of receipt of the request for a hearing. The hearing shall be held expeditiously but in no event more than 60 days after the date that the applicant or license holder requested the hearing. The date of the hearing may be reset on the motion of either party, by agreement of the parties, or by the court as necessary to accommodate the court's docket.

(c) The justice court shall determine if the denial, revocation, or suspension is supported by a preponderance of the evidence. Both the applicant or license holder and the department may present evidence. The court shall affirm the denial, revocation, or suspension if the court determines that denial, revocation, or suspension is supported by a preponderance of the evidence. If the court determines that the denial, revocation, or suspension is not supported by a preponderance of the evidence, the court shall order the department to immediately issue or return the license to the applicant or license holder.

(d) A proceeding under this section is subject to Chapter 105, Civil Practice and Remedies Code, relating to fees, expenses, and attorney's fees.

(e) A party adversely affected by the court's ruling following a hearing under this section may appeal the ruling by filing within 30 days after the ruling a petition in a county court at law in the county in which the applicant or license holder resides or, if there is no county court at law in the county, in the county court of the county. A person who appeals under this section must send by certified mail a copy of the person's petition, certified by the clerk of the court in which the petition is filed, to the appropriate division of the department at its Austin headquarters. The trial on appeal shall be a trial de novo without a jury. A district or county attorney or the attorney general may represent the department.

(f) A suspension of a license may not be probated.

(g) If an applicant or a license holder does not petition the justice court, a denial becomes final and a revocation or suspension takes effect on the 30th day after receipt of written notice.

(h) The department may use and introduce into evidence certified copies of governmental records to establish the existence of certain events that could result in the denial, revocation, or suspension of a license under this subchapter, including records regarding convictions, judicial findings regarding mental competency, judicial findings regarding chemical dependency, or other matters that may be established by governmental records that have been properly authenticated.

(i) This section does not apply to a suspension of a license under § 85.022, Family Code, or Article 17.292, Code of Criminal Procedure.

Section 411.181. Notice of change of information; Duplicate license.

(a) If a person who is a current license holder moves from any residence address stated on the license, if the name of the person is changed by marriage or otherwise, or if the person's status becomes inapplicable for purposes of the information required to be displayed on the license under Section 411.179, the person shall, not later than the 30th day after the date of the address, name, or status change, notify the department and provide the department with the number of the person's license and, as applicable, the person's:

- (1) former and new addresses;
- (2) former and new names; or
- (3) former and new status.

(a-1) If a license holder whose license will expire under Section 411.183(a)(1)(B) or (b)(1)(B) is granted an extension for the license holder's lawful presence in the United States as determined by the United States agency responsible for citizenship and immigration in compliance with federal law, the license holder may apply to the department for a duplicate license with an updated expiration date by providing to the department the person's license number and evidence of the extension. The duplicate license must provide for an expiration date, calculated in accordance with Section 411.183(a) or (b), as applicable, that takes into account the extension of the period for which the license holder may be lawfully present in the United States.

(b) If the name of the license holder is changed by marriage or otherwise, or if the person's status becomes inapplicable as described by Subsection (a), the person shall apply for a duplicate license. The duplicate license must reflect the person's current name, residence address, and status.

(c) If a license holder moves from the address stated on the license, the person shall apply for a duplicate license.

(d) The department shall charge a license holder a fee of \$25 for a duplicate license.

(e) The department shall make the forms available on request.

(f) On request of a local law enforcement agency, the department shall notify the agency of changes made under Subsection (a) by license holders who reside in the county in which the agency is located.

(g) If a license is lost, stolen, or destroyed, the license holder shall apply for a duplicate license not later than the 30th day after the date of the loss, theft, or destruction of the license.

(h) If a license holder is required under this section to apply for a duplicate license and the license expires not later than the 60th day after the date of the loss, theft, or destruction of the license, the applicant may renew the license with the modified information included on the new license. The applicant must pay only the nonrefundable renewal fee.

(i) A license holder whose application fee for a duplicate license under this section is dishonored or reversed may reapply for a duplicate license at any time, provided the application fee and a dishonored payment charge of \$25 is paid by cashier's check or money order made payable to the "Texas Department of Public Safety."

Section 411.182. Notice.

(a) For the purpose of a notice required by this subchapter, the department may assume that the address currently reported to the department by the applicant or license holder is the correct address.

(b) A written notice meets the requirements under this subchapter if the notice is sent by certified mail to the current address reported by the applicant or license holder to the department.

(c) If a notice is returned to the department because the notice is not deliverable, the department may give notice by publication once in a newspaper of general interest in the county of the applicant's or license holder's last reported address. On the 31st day after the date the notice is published, the department may take the action proposed in the notice.

Section 411.183. Expiration.

(a) A license issued under this subchapter expires on:

- (1) the earlier of:
 - (A) the first birthday of the license holder occurring after the fourth anniversary of the date of issuance; or
 - (B) the expiration of the license holder's lawful presence in the United States as determined by the United States agency responsible for citizenship and immigration in compliance with federal law; or

(2) the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's lawful presence in the United States.

(b) A renewed license expires on:

(1) the earlier of:

(A) the license holder's birthdate, five years after the date of the expiration of the previous license; or

(B) the expiration of the license holder's lawful presence in the United States as determined by the United States agency responsible for citizenship and immigration in compliance with federal law; or

(2) the first anniversary of the date of renewal, if there is no definite expiration date for the applicant's lawful presence in the United States.

(c) Except as otherwise provided by Section 411.181(a-1), a duplicate license expires on the date the license that was duplicated would have expired.

(d) A modified license expires on the date the license that was modified would have expired.

Section 411.185. License renewal procedure.

(a) To renew a license, a license holder must, on or before the date the license expires, submit to the department by mail or, in accordance with the procedure adopted under Subsection (f), on the Internet:

(1) a renewal application on a form provided by the department;

(2) payment of a nonrefundable renewal fee of \$40; and

(3) the informational form described by Subsection (c) signed or electronically acknowledged by the applicant.

(b) The director by rule shall adopt a renewal application form requiring an update of the information on the original completed application.

(c) The director by rule shall adopt an informational form that describes state law regarding the use of deadly force and the places where it is unlawful for the holder of a license issued under this subchapter to carry a handgun. An applicant for a renewed license must sign and return the informational form to the department by mail or acknowledge the form electronically on the Internet according to the procedure adopted under Subsection (f).

(d) Not later than the 60th day before the expiration date of the license, the department shall mail to each license holder a written notice of the expiration of the license, a renewal application form, and the informational form described by Subsection (c).

(e) The department shall renew the license of a license holder who meets all the eligibility requirements to continue to hold a license and submits all the renewal materials described by Subsection (a). Not later than the 45th day after receipt of the renewal materials, the department shall issue the renewed license or notify the license holder in writing that the department denied the license holder's renewal application.

(f) The director by rule shall adopt a procedure by which a license holder who satisfies the eligibility requirements to continue to hold a license may submit the renewal materials described by Subsection (a) by mail or on the Internet.

(g) The department may not request or require a license holder to provide the license holder's social security number to renew a license under this section.

Section 411.186. Revocation.

(a) The department shall revoke a license under this section if the license holder:

(1) was not entitled to the license at the time it was issued;

(2) made a material misrepresentation or failed to disclose a material fact in an application submitted under this subchapter;

(3) subsequently becomes ineligible for a license under Section 411.172, unless the sole basis for the ineligibility is that the license holder is charged with the commission of a Class A or Class B misdemeanor or equivalent offense, or of an offense under [Section 42.01, Penal Code](#), or equivalent offense, or of a felony under an information or indictment;

(4) is determined by the department to have engaged in conduct constituting a reason to suspend a license listed in Section 411.187(a) after the person's license has been previously suspended twice for the same reason; or

(5) submits an application fee that is dishonored or reversed if the applicant fails to submit a cashier's check or money order made payable to the "Department of Public Safety of the State of Texas" in the amount of the

dishonored or reversed fee, plus \$25, within 30 days of being notified by the department that the fee was dishonored or reversed.

(b) If a peace officer believes a reason listed in Subsection (a) to revoke a license exists, the officer shall prepare an affidavit on a form provided by the department stating the reason for the revocation of the license and giving the department all of the information available to the officer at the time of the preparation of the form. The officer shall attach the officer's reports relating to the license holder to the form and send the form and attachments to the appropriate division of the department at its Austin headquarters not later than the fifth working day after the date the form is prepared. The officer shall send a copy of the form and the attachments to the license holder. If the license holder has not surrendered the license or the license was not seized as evidence, the license holder shall surrender the license to the appropriate division of the department not later than the 10th day after the date the license holder receives the notice of revocation from the department, unless the license holder requests a hearing from the department. The license holder may request that the justice court in the justice court precinct in which the license holder resides review the revocation as provided by Section 411.180. If a request is made for the justice court to review the revocation and hold a hearing, the license holder shall surrender the license on the date an order of revocation is entered by the justice court.

(c) A license holder whose license is revoked for a reason listed in Subsections (a)(1)-(4) may reapply as a new applicant for the issuance of a license under this subchapter after the second anniversary of the date of the revocation if the cause for revocation does not exist on the date of the second anniversary. If the cause for revocation exists on the date of the second anniversary after the date of revocation, the license holder may not apply for a new license until the cause for revocation no longer exists and has not existed for a period of two years.

(d) A license holder whose license is revoked under Subsection (a)(5) may reapply for an original or renewed license at any time, provided the application fee and a dishonored payment charge of \$25 is paid by cashier's check or money order made payable to the "Texas Department of Public Safety."

Section 411.187. Suspension of license.

(a) The department shall suspend a license under this section if the license holder:

- (1) is charged with the commission of a Class A or Class B misdemeanor or equivalent offense, or of an offense under § 42.01, Penal Code, or equivalent offense, or of a felony under an information or indictment;
- (2) fails to notify the department of a change of address, name, or status as required by § 411.181;
- (3) commits an act of family violence and is the subject of an active protective order rendered under Title 4, Family Code; or
- (4) is arrested for an offense involving family violence or an offense under § 42.072, Penal Code, and is the subject of an order for emergency protection issued under Article 17.292, Code of Criminal Procedure.

(b) If a peace officer believes a reason listed in Subsection (a) to suspend a license exists, the officer shall prepare an affidavit on a form provided by the department stating the reason for the suspension of the license and giving the department all of the information available to the officer at the time of the preparation of the form. The officer shall attach the officer's reports relating to the license holder to the form and send the form and the attachments to the appropriate division of the department at its Austin headquarters not later than the fifth working day after the date the form is prepared. The officer shall send a copy of the form and the attachments to the license holder. If the license holder has not surrendered the license or the license was not seized as evidence, the license holder shall surrender the license to the appropriate division of the department not later than the 10th day after the date the license holder receives the notice of suspension from the department unless the license holder requests a hearing from the department. The license holder may request that the justice court in the justice court precinct in which the license holder resides review the suspension as provided by § 411.180. If a request is made for the justice court to review the suspension and hold a hearing, the license holder shall surrender the license on the date an order of suspension is entered by the justice court.

(c) The department shall suspend a license under this section:

- (1) for 30 days, if the person's license is subject to suspension for a reason listed in Subsection (a)(2), (3), or (4), except as provided by Subdivision (2);
- (2) for not less than one year and not more than three years, if the person's license:
 - (A) is subject to suspension for a reason listed in Subsection (a), other than the reason listed in Subsection (a)(1); and
 - (B) has been previously suspended for the same reason;
- (3) until dismissal of the charges, if the person's license is subject to suspension for the reason listed in Subsection (a)(1); or

(4) for the duration of or the period specified by:

(A) the protective order issued under Title 4, Family Code, if the person's license is subject to suspension for the reason listed in Subsection (a)(5); or

(B) the order for emergency protection issued under Article 17.292, Code of Criminal Procedure, if the person's license is subject to suspension for the reason listed in Subsection (a)(6).

Section 411.1871. 1 Notice of suspension or revocation of certain licenses.

The department shall notify the Texas Commission on Law Enforcement Officer Standards and Education if the department takes any action against the license of a person identified by the commission as a person certified under § 1701.260, Occupations Code, including suspension or revocation.

Section 411.188. Handgun proficiency requirement.

(a) The director by rule shall establish minimum standards for handgun proficiency and shall develop a course to teach handgun proficiency and examinations to measure handgun proficiency. The course to teach handgun proficiency is required for each person who seeks to obtain a license and must contain training sessions divided into 2 parts. One part of the course must be classroom instruction and the other part must be range instruction and an actual demonstration by the applicant of the applicant's ability to safely and proficiently use a handgun. An applicant must be able to demonstrate, at a minimum, the degree of proficiency that is required to effectively operate a handgun. The department shall distribute the standards, course requirements, and examinations on request to any qualified handgun instructor or approved online course provider seeking to administer the course or a part of the course as described by Subsection (b).

(b) Only qualified handgun instructors may administer the range instruction part of the handgun proficiency course. A qualified handgun instructor or approved online course provider may administer the classroom instruction part of the handgun proficiency course. The classroom instruction part of the course must include not less than four hours and not more than six hours of instruction on:

(1) the laws that relate to weapons and to the use of deadly force;

(2) handgun use and safety, including use of restraint holsters and methods to ensure the secure carrying of openly carried handguns;

(3) nonviolent dispute resolution; and

(4) proper storage practices for handguns with an emphasis on storage practices that eliminate the possibility of accidental injury to a child.

(c) An approved online course provider shall administer the classroom instruction part of the handgun proficiency course in an online format. A course administered online must include not less than four hours and not more than six hours of instruction.

(d) Except as provided by Subsection (e), only a qualified handgun instructor may administer the proficiency examination to obtain a license. The proficiency examination must include:

(1) a written section on the subjects listed in Subsection (b); and

(2) a physical demonstration of proficiency in the use of 1 or more handguns and in handgun safety procedures.

(d-1) A qualified handgun instructor shall require an applicant who successfully completed an online version of the classroom instruction part of the handgun proficiency course to complete not less than one hour but not more than two hours of the range instruction part of the handgun proficiency course before allowing a physical demonstration of handgun proficiency as described by Subsection (d)(2).

(e) An approved online course provider may administer online through a secure portal the written portion of the proficiency examination described by Subsection (d)(1).

(f) The department shall develop and distribute directions and materials for course instruction, test administration, and recordkeeping. All test results shall be sent to the department, and the department shall maintain a record of the results.

(g) A person who wishes to obtain a license to carry a handgun must apply in person to a qualified handgun instructor to take the range instruction part of the handgun proficiency course and to demonstrate handgun proficiency as required by the department. A person must apply in person to a qualified handgun instructor or online to an approved online course provider, as applicable, to take the classroom instruction part of the handgun proficiency course.

(i) A certified firearms instructor of the department may monitor any class or training presented by a qualified handgun instructor. A qualified handgun instructor shall cooperate with the department in the department's efforts to monitor the presentation of training by the qualified handgun instructor.

(j) A qualified handgun instructor or approved online course provider shall make available for inspection to the department any and all records maintained by the instructor or course provider under this subchapter. The qualified handgun instructor or approved online course provider shall keep a record of all information required by department rule.

(k) A qualified handgun instructor may submit to the department a written recommendation for disapproval of the application for a license or modification of a license, accompanied by an affidavit stating personal knowledge or naming persons with personal knowledge of facts that lead the instructor to believe that an applicant does not possess the required handgun proficiency. The department may use a written recommendation submitted under this subsection as the basis for denial of a license only if the department determines that the recommendation is made in good faith and is supported by a preponderance of the evidence. The department shall make a determination under this subsection not later than the 45th day after the date the department receives the written recommendation. The 60-day period in which the department must take action under § 411.177(b) is extended one day for each day a determination is pending under this subsection.

Section 411.1881. Exemption from instruction for certain persons.

(a) Notwithstanding any other provision of this subchapter, a person may not be required to complete the range instruction portion of a handgun proficiency course to obtain a license issued under this subchapter if the person:

(1) is currently serving in or is honorably discharged from:

(A) the army, navy, air force, coast guard, or marine corps of the United States or an auxiliary service or reserve unit of one of those branches of the armed forces; or

(B) the Texas military forces, as defined by § 437.001; and

(2) has, within the 10 years preceding the date of the person's application for the license, completed as part of the person's service with the armed forces or Texas military forces:

(A) a course of training in firearm proficiency or familiarization; or

(B) a range qualification process for firearm usage.

(b) The director by rule shall adopt a procedure by which a license holder who is exempt under Subsection (a) from the range instruction portion of the handgun proficiency requirement may submit a form demonstrating the license holder's qualification for an exemption under that subsection. The form must provide sufficient information to allow the department to verify whether the license holder qualifies for the exemption.

Section 411.1882. Evidence of handgun proficiency for certain persons.

(a) A person who is serving in this state as the attorney general or as a judge or justice of a federal court, as an active judicial officer as defined by § 411.201, as a United States attorney, assistant United States attorney, assistant attorney general, district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney, as a supervision officer as defined by, Article 42A.001, Code of Criminal Procedure, or as a juvenile probation officer may establish handgun proficiency for the purposes of this subchapter by obtaining from a handgun proficiency instructor approved by the Texas Commission on Law Enforcement for purposes of § 1702.1675, Occupations Code, a sworn statement that indicates that the person, during the 12-month period preceding the date of the person's application to the department, demonstrated to the instructor proficiency in the use of handguns.

(b) The director by rule shall adopt a procedure by which a person described under Subsection (a) may submit a form demonstrating the person's qualification for an exemption under that subsection. The form must provide sufficient information to allow the department to verify whether the person qualifies for the exemption.

(c) A license issued under this section automatically expires on the six-month anniversary of the date the person's status under Subsection (a) becomes inapplicable. A license that expires under this subsection may be renewed under § 411.185.

Health and Safety Code Code

Title 7 – Mental Health and Intellectual Disability

Subtitle C – Texas Mental Health Code

Chapter 574 – Court-ordered Mental Health Services

Subchapter F – Furlough, discharge, and termination of court-ordered mental health services.

Section 574.088. Relief from Disabilities in Mental Health Cases.

(a) A person who is furloughed or discharged from court-ordered mental health services may petition the court that entered the commitment order for an order stating that the person qualifies for relief from a firearms disability.

(b) In determining whether to grant relief, the court must hear and consider evidence about:

(1) the circumstances that led to imposition of the firearms disability under 18 U.S.C. Section 922(g)(4);

- (2) the person's mental history;
- (3) the person's criminal history; and
- (4) the person's reputation.

(c) A court may not grant relief unless it makes and enters in the record the following affirmative findings:

- (1) the person is no longer likely to act in a manner dangerous to public safety; and
- (2) removing the person's disability to purchase a firearm is in the public interest.

Penal Code
Title 10 – Offenses Against Public Health, Safety, and Morals
Chapter 46 – Weapons

Section 46.01. Definitions.

In this chapter:

(2) **“Explosive weapon”** means any explosive or incendiary bomb, grenade, rocket, or mine, that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon.

(3) **“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. Firearm does not include a firearm that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by this chapter and that is:

(A) an antique or curio firearm manufactured before 1899; or

(B) a replica of an antique or curio firearm manufactured before 1899, but only if the replica does not use rim fire or center fire ammunition.

(4) **“[Repealed.] (5) “Handgun”** means any firearm that is designed, made, or adapted to be fired with one hand.

(9) **“Machine gun”** means any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

(10) **“Short-barrel firearm”** means a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a shotgun or rifle if, as altered, it has an overall length of less than 26 inches.

(12) **“Armor-piercing ammunition”** means handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used principally in pistols and revolvers. (16) **“Zip gun”** means a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

Sec. 46.02. Unlawful Carrying Weapons.

(a) A person commits an offense if the person:

(1) intentionally, knowingly, or recklessly carries on or about his or her person a handgun;

(2) at the time of the offense:

(A) is younger than 21 years of age; or

(B) has been convicted of an offense under Section 22.01(a)(1), 22.05, 22.07, or 42.01(a)(7) or (8) committed in the five-year period preceding the date the instant offense was committed; and

(3) is not:

(A) on the person's own premises or premises under the person's control; or

(B) inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control.

(a-1) A person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun in a motor vehicle or watercraft that is owned by the person or under the person's control at any time in which:

(1) the handgun is in plain view, unless the person is 21 years of age or older or is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code, and the handgun is carried in a holster; or

(2) the person is:

(A) engaged in criminal activity, other than a Class C misdemeanor that is a violation of a law or ordinance regulating traffic or boating; or

(B) prohibited by law from possessing a firearm.

(a-2) For purposes of this section, “premises” includes real property and a recreational vehicle that is being used as living quarters, regardless of whether that use is temporary or permanent. In this subsection, “recreational vehicle” means a motor vehicle primarily designed as temporary living quarters or a vehicle that contains temporary living quarters and is designed to be towed by a motor vehicle. The term includes a travel trailer, camping trailer, truck camper, motor home, and horse trailer with living quarters.

(a-3) For purposes of this section, “watercraft” means any boat, motorboat, vessel, or personal watercraft, other than a seaplane on water, used or capable of being used for transportation on water.

(a-4) A person commits an offense if the person:

(1) intentionally, knowingly, or recklessly carries on or about his or her person a location-restricted knife;

(2) is younger than 18 years of age at the time of the offense; and

(3) is not:

(A) on the person’s own premises or premises under the person’s control;

(B) inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person’s control; or

(C) under the direct supervision of a parent or legal guardian of the person.

(a-5) A person commits an offense if the person carries a handgun and intentionally displays the handgun in plain view of another person in a public place. It is an exception to the application of this subsection that the handgun was partially or wholly visible but was carried in a holster.

(a-6) A person commits an offense if the person:

(1) carries a handgun while the person is intoxicated; and

(2) is not:

(A) on the person’s own property or property under the person’s control or on private property with the consent of the owner of the property; or

(B) inside of or directly en route to a motor vehicle or watercraft:

(i) that is owned by the person or under the person’s control; or

(ii) with the consent of the owner or operator of the vehicle or watercraft.

(a-7) A person commits an offense if the person:

(1) intentionally, knowingly, or recklessly carries on or about his or her person a handgun;

(2) is not:

(A) on the person’s own premises or premises under the person’s control; or

(B) inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person’s control; and

(3) at the time of the offense, was prohibited from possessing a firearm under Section 46.04(a), (b), or (c).

(a-8) If conduct constituting an offense under Subsection (a-7) constitutes an offense under another provision of law, the actor may be prosecuted under Subsection (a-7) or under both provisions.

(b) Except as provided by Subsection (d) or (e), an offense under this section is a Class A misdemeanor.

(c) [Repealed.]

(d) An offense under Subsection (a-4) is a Class C misdemeanor.

(e) An offense under Subsection (a-7) is:

(1) a felony of the second degree with a minimum term of imprisonment of five years, if the actor was prohibited from possessing a firearm under Section 46.04(a); or

(2) a felony of the third degree, if the actor was prohibited from possessing a firearm under Section 46.04(b) or (c).

Section 46.03 Places. weapons prohibited.

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon listed in Section 46.05(a):

(1) on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless:

(A) pursuant to written regulations or written authorization of the institution; or

(B) the person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H, Chapter 411, Government Code, and no other weapon to which this section applies, on the premises of an institution of higher education or private or independent institution of higher education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution;

(2) on the premises of a polling place on the day of an election or while early voting is in progress;

(3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;

(4) on the premises of a racetrack;

(5) in or into a secured area of an airport;

(6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under [Article 43.19, Code of Criminal Procedure](#), on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited;

(7) on the premises of a business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, if the business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption, as determined by the Texas Alcoholic Beverage Commission under [Section 104.06, Alcoholic Beverage Code](#);

(8) on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the person is a participant in the event and a firearm, location-restricted knife, club, or prohibited weapon listed in Section 46.05(a) is used in the event;

(9) on the premises of a correctional facility;

(10) on the premises of a civil commitment facility;

(11) on the premises of a hospital licensed under Chapter 241, Health and Safety Code, or on the premises of a nursing facility licensed under Chapter 242, Health and Safety Code, unless the person has written authorization of the hospital or nursing facility administration, as appropriate;

(12) on the premises of a mental hospital, as defined by [Section 571.003, Health and Safety Code](#), unless the person has written authorization of the mental hospital administration;

(13) in an amusement park; or

(14) in the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to Chapter 551, Government Code, and if the entity provided notice as required by that chapter.

(a-1) [Repealed.]

(a-2) Notwithstanding Section 46.02(a-5), a license holder commits an offense if the license holder carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, on or about the license holder's person under the authority of Subchapter H, Chapter 411, Government Code, and intentionally or knowingly displays the handgun in plain view of another person:

(1) on the premises of an institution of higher education or private or independent institution of higher education;
or

(2) on any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of an institution of higher education or private or independent institution of higher education.

(a-3) Notwithstanding Subsection (a) or Section 46.02(a-5), a license holder commits an offense if the license holder carries a handgun on the campus of a private or independent institution of higher education in this state that has established rules, regulations, or other provisions prohibiting license holders from carrying handguns pursuant to [Section 411.2031\(e\), Government Code](#), or on the grounds or building on which an activity sponsored by such an institution is being conducted, or in a passenger transportation vehicle of such an institution, regardless of whether the handgun is concealed, provided the institution gives effective notice under Section 30.06.

(a-4) Notwithstanding Subsection (a) or Section 46.02(a-5), a license holder commits an offense if the license holder intentionally carries a concealed handgun on a portion of a premises located on the campus of an institution of higher education in this state on which the carrying of a concealed handgun is prohibited by rules, regulations, or other provisions established under [Section 411.2031\(d-1\), Government Code](#), provided the institution gives effective notice under Section 30.06 with respect to that portion.

(b) It is a defense to prosecution under Subsections (a)(1)—(4) that the actor possessed a firearm while in the actual discharge of his official duties as a member of the armed forces or national guard or a guard employed by a penal institution, or an officer of the court.

(c) In this section:

(1) “Amusement park” means a permanent indoor or outdoor facility or park where amusement rides are available for use by the public that is located in a county with a population of more than one million, encompasses at least 75 acres in surface area, is enclosed with access only through controlled entries, is open for operation more than 120 days in each calendar year, and has security guards on the premises at all times. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.

(2) “Institution of higher education” and “private or independent institution of higher education” have the meanings assigned by [Section 61.003, Education Code](#).

(3) “License holder” means a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code.

(4) “Premises” means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.

(5) “Secured area” means an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law, or an aircraft parking area that is used by common carriers in air transportation but not by general aviation and to which access is controlled under federal law. The term does not include a baggage claim area, a motor vehicle parking area used by passengers, employees, or persons awaiting an arrival, or an area used by the public to pick up or drop off passengers or employees.

(d) It is a defense to prosecution under Subsection (a)(5) that the actor possessed a firearm or club while traveling to or from the actor’s place of assignment or in the actual discharge of duties as:

(1) a member of the armed forces or national guard;

(2) a guard employed by a penal institution; or

(3) a security officer commissioned by the Texas Private Security Board if:

(A) the actor is wearing a distinctive uniform; and

(B) the firearm or club is in plain view; or

(4) a security officer who holds a personal protection authorization under Chapter 1702, Occupations Code, provided that the officer is either:

(A) wearing the uniform of a security officer, including any uniform or apparel described by [Section 1702.323\(d\), Occupations Code](#), and carrying the officer’s firearm in plain view; or

(B) not wearing the uniform of a security officer and carrying the officer’s firearm in a concealed manner.

(e) It is a defense to prosecution under Subsection (a)(5) that the actor:

(1) checked all firearms as baggage in accordance with federal or state law or regulations before entering a secured area; or

(2) was authorized by a federal agency or the airport operator to possess a firearm in a secured area.

(e-1) It is a defense to prosecution under Subsection (a)(5) that the actor:

- (1) possessed, at the screening checkpoint for the secured area, a handgun that the actor was licensed to carry under Subchapter H, Chapter 411, Government Code; and**
- (2) exited the screening checkpoint for the secured area immediately upon completion of the required screening processes and notification that the actor possessed the handgun.**

(e-2) A peace officer investigating conduct that may constitute an offense under Subsection (a)(5) and that consists only of an actor's possession of a handgun that the actor is licensed to carry under Subchapter H, Chapter 411, Government Code, may not arrest the actor for the offense unless:

- (1) the officer advises the actor of the defense available under Subsection (e-1) and gives the actor an opportunity to exit the screening checkpoint for the secured area; and**
- (2) the actor does not immediately exit the checkpoint upon completion of the required screening processes.**

(f) Except as provided by Subsection (e-1), it is not a defense to prosecution under this section that the actor possessed a handgun and was licensed to carry a handgun under Subchapter H, Chapter 411, Government Code.

(g) Except as provided by Subsections (g-1) and (g-2), an offense under this section is a felony of the third degree.

(g-1) If the weapon that is the subject of the offense is a location-restricted knife, an offense under this section is a Class C misdemeanor, except that the offense is a felony of the third degree if the offense is committed under Subsection (a)(1).

(g-2) An offense committed under Subsection (a)(8), (a)(10), (a)(11), (a)(13), (a-2), (a-3), or (a-4) is a Class A misdemeanor.

(h) It is a defense to prosecution under Subsection (a)(4) that the actor possessed a firearm or club while traveling to or from the actor's place of assignment or in the actual discharge of duties as a security officer commissioned by the Texas Board of Private Investigators and Private Security Agencies, if:

- (1) the actor is wearing a distinctive uniform; and**
- (2) the firearm or club is in plain view.**

(i) It is an exception to the application of Subsection (a)(6) that the actor possessed a firearm or club:

- (1) while in a vehicle being driven on a public road; or**
- (2) at the actor's residence or place of employment.**

Section 46.04. Unlawful possession of firearm. (a) A person who has been convicted of a felony commits an offense if he possesses a firearm:

- (1) after conviction and before the fifth anniversary of the person's release from confinement following conviction of the felony or the person's release from supervision under community supervision, parole, or mandatory supervision, whichever date is later; or**
- (2) after the period described by Subdivision (1), at any location other than the premises at which the person lives.**

(a-1) A person who is a member of a criminal street gang, as defined by Section 71.01, commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun in a motor vehicle or watercraft.

(b) A person who has been convicted of an offense under Section 22.01, punishable as a Class A misdemeanor and involving a member of the person's family or household, commits an offense if the person possesses a firearm before the fifth anniversary of the later of:

- (1) the date of the person's release from confinement following conviction of the misdemeanor; or**
- (2) the date of the person's release from community supervision following conviction of the misdemeanor.**

(c) A person, other than a peace officer, as defined by Section 1.07, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision, who is subject to an order issued under Section 6.504 or Chapter 85, Family Code, under Article 17.292 or Subchapter A, Chapter 7B, Code of Criminal Procedure, or by another jurisdiction as provided by Chapter 88, Family Code, commits an offense if the person possesses a firearm after receiving notice of the order and before expiration of the order.

(d) In this section, "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.

(e) An offense under Subsection (a) is a felony of the third degree. An offense under Subsection (a-1), (b), or (c) is a Class A misdemeanor.

(f) For the purposes of this section, an offense under the laws of this state, another state, or the United States is, except as provided by Subsection (g), a felony if, at the time it is committed, the offense:

(1) is designated by a law of this state as a felony;

(2) contains all the elements of an offense designated by a law of this state as a felony; or

(3) is punishable by confinement for one year or more in a penitentiary.

(g) An offense is not considered a felony for purposes of Subsection (f) if, at the time the person possesses a firearm, the offense:

(1) is not designated by a law of this state as a felony; and

(2) does not contain all the elements of any offense designated by a law of this state as a felony.

Section 46.05. Prohibited weapons.

(a) A person commits an offense if the person intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

(1) any of the following items, unless the item is registered in the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the United States Department of Justice:

(A) an explosive weapon;

(B) a machine gun; or

(C) a short-barrel firearm;

(2) armor-piercing ammunition;

(3) a chemical dispensing device;

(4) a zip gun;

(5) a tire deflation device; or

(6) an improvised explosive device.

(b) It is a defense to prosecution under this section that the actor's conduct was incidental to the performance of official duty by the armed forces or national guard, a governmental law enforcement agency, or a correctional facility.

(c) [Repealed by [Acts 2015, 84th Leg., ch. 69 \(S.B. 473\), § 2](#), effective September 1, 2015.]

(d) It is an affirmative defense to prosecution under this section that the actor's conduct:

(1) was incidental to dealing with a short-barrel firearm or tire deflation device solely as an antique or curio;

(2) was incidental to dealing with armor-piercing ammunition solely for the purpose of making the ammunition available to an organization, agency, or institution listed in Subsection (b); or

(3) was incidental to dealing with a tire deflation device solely for the purpose of making the device available to an organization, agency, or institution listed in Subsection (b).

(e) Except as otherwise provided by this subsection, an offense under this section is a felony of the third degree. An offense under Subsection (a)(5) is a state jail felony.

(f) It is a defense to prosecution under this section for the possession of a chemical dispensing device that the actor is a security officer and has received training on the use of the chemical dispensing device by a training program that is:

(1) provided by the Texas Commission on Law Enforcement; or

(2) approved for the purposes described by this subsection by the Texas Private Security Board of the Department of Public Safety.

(g) In Subsection (f), "security officer" means a commissioned security officer as defined by [Section 1702.002, Occupations Code](#), or a noncommissioned security officer registered under [Section 1702.221, Occupations Code](#).

Section 46.06. Unlawful transfer of certain weapons.

(a) A person commits an offense if the person:

(1) sells, rents, leases, loans, or gives a handgun to any person knowing that the person to whom the handgun is to be delivered intends to use it unlawfully or in the commission of an unlawful act;

(2) intentionally or knowingly sells, rents, leases, or gives or offers to sell, rent, lease, or give to any child younger than 18 years of age any firearm, club, or location-restricted knife;

(3) intentionally, knowingly, or recklessly sells a firearm or ammunition for a firearm to any person who is intoxicated;

(4) knowingly sells a firearm or ammunition for a firearm to any person who has been convicted of a felony before the fifth anniversary of the later of the following dates:

(A) the person's release from confinement following conviction of the felony; or

(B) the person's release from supervision under community supervision, parole, or mandatory supervision following conviction of the felony;

(5) sells, rents, leases, loans, or gives a handgun to any person knowing that an active protective order is directed to the person to whom the handgun is to be delivered;

(6) knowingly purchases, rents, leases, or receives as a loan or gift from another a handgun while an active protective order is directed to the actor; or

(7) while prohibited from possessing a firearm under state or federal law, knowingly makes a material false statement on a form that is:

(A) required by state or federal law for the purchase, sale, or other transfer of a firearm; and

(B) submitted to a licensed firearms dealer, as defined by [18 U.S.C. Section 923](#).

(b) In this section:

(1) "Intoxicated" means substantial impairment of mental or physical capacity resulting from introduction of any substance into the body.

(2) "Active protective order" means a protective order issued under Title 4, Family Code, that is in effect. The term does not include a temporary protective order issued before the court holds a hearing on the matter.

(c) It is an affirmative defense to prosecution under Subsection (a)(2) that the transfer was to a minor whose parent or the person having legal custody of the minor had given written permission for the sale or, if the transfer was other than a sale, the parent or person having legal custody had given effective consent.

(d) An offense under this section is a Class A misdemeanor, except that:

(1) an offense under Subsection (a)(2) is a state jail felony if the weapon that is the subject of the offense is a handgun; and

(2) an offense under Subsection (a)(7) is a state jail felony.

Section 46.07. Interstate purchase.

A resident of this state may, if not otherwise precluded by law, purchase firearms, ammunition, reloading components, or firearm accessories in another state. This authorization is enacted in conformance with 18 U.S.C. § 922(b)(3)(A).

Section 46.11. Penalty if offense committed within weapon-free school zone.

(a) Except as provided by Subsection (b), the punishment prescribed for an offense under this chapter is increased to the punishment prescribed for the next highest category of offense if it is shown beyond a reasonable doubt on the trial of the offense that the actor committed the offense in a place that the actor knew was:

(1) within 300 feet of the premises of a school; or

(2) on premises where:

(A) an official school function is taking place; or

(B) an event sponsored or sanctioned by the University Interscholastic League is taking place.

(b) This section does not apply to an offense under Section 46.03(a)(1).

(c) In this section:

(1) "Premises" has the meaning assigned by [Section 481.134, Health and Safety Code](#).

(2) "School" means a private or public elementary or secondary school.

Section 46.13. Making a firearm accessible to a child.

(a) In this section:

(1) "Child" means a person younger than 17 years of age.

(2) "Readily dischargeable firearm" means a firearm that is loaded with ammunition, whether or not a round is in the chamber.

(3) "Secure" means to take steps that a reasonable person would take to prevent the access to a readily dischargeable firearm by a child, including but not limited to placing a firearm in a locked container or temporarily rendering the firearm inoperable by a trigger lock or other means.

(b) A person commits an offense if a child gains access to a readily dischargeable firearm and the person with criminal negligence:

(1) failed to secure the firearm; or

(2) left the firearm in a place to which the person knew or should have known the child would gain access.

(c) It is an affirmative defense to prosecution under this section that the child's access to the firearm:

(1) was supervised by a person older than 18 years of age and was for hunting, sporting, or other lawful purposes;

(2) consisted of lawful defense by the child of people or property;

(3) was gained by entering property in violation of this code; or

(4) occurred during a time when the actor was engaged in an agricultural enterprise.

(d) Except as provided by Subsection (e), an offense under this section is a Class C misdemeanor.

(e) An offense under this section is a Class A misdemeanor if the child discharges the firearm and causes death or serious bodily injury to himself or another person.

(f) A peace officer or other person may not arrest the actor before the seventh day after the date on which the offense is committed if:

(1) the actor is a member of the family, as defined by § 71.003, Family Code, of the child who discharged the firearm; and

(2) the child in discharging the firearm caused the death of or serious injury to the child.

(g) A dealer of firearms shall post in a conspicuous position on the premises where the dealer conducts business a sign that contains the following warning in block letters not less than 1 inch in height:

"IT IS UNLAWFUL TO STORE, TRANSPORT, OR ABANDON AN UNSECURED FIREARM IN A PLACE WHERE CHILDREN ARE LIKELY TO BE AND CAN OBTAIN ACCESS TO THE FIREARM."

Section 46.14. Firearm smuggling.

(a) A person commits an offense if the person knowingly engages in the business of transporting or transferring a firearm that the person knows was acquired in violation of the laws of any state or of the United States. For purposes of this subsection, a person is considered to engage in the business of transporting or transferring a firearm if the person engages in that conduct:

(1) on more than one occasion; or

(2) for profit or any other form of remuneration.

(b) An offense under this section is a felony of the third degree, unless it is shown on the trial of the offense that the offense was committed with respect to three or more firearms in a single criminal episode, in which event the offense is a felony of the second degree.

(c) This section does not apply to a peace officer who is engaged in the actual discharge of an official duty.

(d) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both

Section 46.15. Nonapplicability.

(a) Sections 46.02 and 46.03 do not apply to:

- (1) peace officers or special investigators under [Article 2.122, Code of Criminal Procedure](#), and neither section prohibits a peace officer or special investigator from carrying a weapon in this state, including in an establishment in this state serving the public, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon;
 - (2) parole officers, and neither section prohibits an officer from carrying a weapon in this state if the officer is:
 - (A) engaged in the actual discharge of the officer's duties while carrying the weapon; and
 - (B) in compliance with policies and procedures adopted by the Texas Department of Criminal Justice regarding the possession of a weapon by an officer while on duty;
 - (3) community supervision and corrections department officers appointed or employed under [Section 76.004, Government Code](#), and neither section prohibits an officer from carrying a weapon in this state if the officer is:
 - (A) engaged in the actual discharge of the officer's duties while carrying the weapon; and
 - (B) authorized to carry a weapon under [Section 76.0051, Government Code](#);
 - (4) an active judicial officer as defined by [Section 411.201, Government Code](#), who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;
 - (5) an honorably retired peace officer or other qualified retired law enforcement officer, as defined by [18 U.S.C. Section 926C](#), who holds a certificate of proficiency issued under [Section 1701.357, Occupations Code](#), and is carrying a photo identification that is issued by a federal, state, or local law enforcement agency, as applicable, and that verifies that the officer is an honorably retired peace officer or other qualified retired law enforcement officer;
 - (6) the attorney general or a United States attorney, district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;
 - (7) an assistant United States attorney, assistant attorney general, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;
 - (8) a bailiff designated by an active judicial officer as defined by [Section 411.201, Government Code](#), who is:
 - (A) licensed to carry a handgun under Subchapter H, Chapter 411, Government Code; and
 - (B) engaged in escorting the judicial officer;
 - (9) a juvenile probation officer who is authorized to carry a firearm under [Section 142.006, Human Resources Code](#); or
 - (10) a person who is volunteer emergency services personnel if the person is:
 - (A) carrying a handgun under the authority of Subchapter H, Chapter 411, Government Code; and
 - (B) engaged in providing emergency services.
- (b) Sections 46.02, 46.03(a)(14), and 46.04(a-1) do not apply to a person who:
- (1) is in the actual discharge of official duties as a member of the armed forces or state military forces as defined by [Section 437.001, Government Code](#), or as a guard employed by a penal institution;
 - (2) is traveling;
 - (3) is engaging in lawful hunting, fishing, or other sporting activity on the immediate premises where the activity is conducted, or is en route between the premises and the actor's residence, motor vehicle, or watercraft, if the weapon is a type commonly used in the activity;
 - (4) holds a security officer commission issued by the Texas Private Security Board, if the person is engaged in the performance of the person's duties as an officer commissioned under Chapter 1702, Occupations Code, or is traveling to or from the person's place of assignment and is wearing the officer's uniform and carrying the officer's weapon in plain view;
 - (5) acts as a personal protection officer and carries the person's security officer commission and personal protection officer authorization, if the person:
 - (A) is engaged in the performance of the person's duties as a personal protection officer under Chapter 1702, Occupations Code, or is traveling to or from the person's place of assignment; and
 - (B) is either:

(i) wearing the uniform of a security officer, including any uniform or apparel described by [Section 1702.323\(d\), Occupations Code](#), and carrying the officer's weapon in plain view; or

(ii) not wearing the uniform of a security officer and carrying the officer's weapon in a concealed manner;

(6) is carrying:

(A) a license issued under Subchapter H, Chapter 411, Government Code, to carry a handgun; and

(B) a handgun:

(i) in a concealed manner; or

(ii) in a holster;

(7) holds an alcoholic beverage permit or license or is an employee of a holder of an alcoholic beverage permit or license if the person is supervising the operation of the permitted or licensed premises; or

(8) is a student in a law enforcement class engaging in an activity required as part of the class, if the weapon is a type commonly used in the activity and the person is:

(A) on the immediate premises where the activity is conducted; or

(B) en route between those premises and the person's residence and is carrying the weapon unloaded.

(c) [Repealed.]

(d) The provisions of Section 46.02 prohibiting the carrying of a firearm do not apply to a public security officer employed by the adjutant general under [Section 437.053, Government Code](#), in performance of official duties or while traveling to or from a place of duty.

(e) Section 46.02(a-4) does not apply to an individual carrying a location-restricted knife used in a historical demonstration or in a ceremony in which the knife is significant to the performance of the ceremony.

(f) Section 46.03(a)(6) does not apply to a person who possesses a firearm or club while in the actual discharge of official duties as:

(1) a member of the armed forces or state military forces, as defined by [Section 437.001, Government Code](#); or

(2) an employee of a penal institution.

(g) The provisions of Section 46.03 prohibiting the possession or carrying of a club do not apply to an animal control officer who holds a certificate issued under [Section 829.006, Health and Safety Code](#), and who possesses or carries an instrument used specifically for deterring the bite of an animal while the officer is in the performance of official duties under the Health and Safety Code or is traveling to or from a place of duty.

(h) The provisions of Section 46.03 prohibiting the possession or carrying of a club do not apply to a code enforcement officer who:

(1) holds a certificate of registration issued under Chapter 1952, Occupations Code; and

(2) possesses or carries an instrument used specifically for deterring an animal bite while the officer is:

(A) performing official duties; or

(B) traveling to or from a place of duty.

(i) [Repealed by Acts 2007, 80th Leg., ch. 693 (H.B. 1815), § 3(2), effective September 1, 2007.]

(j) The provisions of Sections 46.02 and 46.03(a)(7), (a-2), (a-3), and (a-4) do not apply to an individual who carries a handgun as a participant in a historical reenactment performed in accordance with the rules of the Texas Alcoholic Beverage Commission.

(k) Section 46.02 does not apply to a person who carries a handgun if:

(1) the person carries the handgun while:

(A) evacuating from an area following the declaration of a state of disaster under [Section 418.014, Government Code](#), or a local state of disaster under [Section 418.108, Government Code](#), with respect to that area; or

(B) reentering that area following the person's evacuation;

(2) not more than 168 hours have elapsed since the state of disaster or local state of disaster was declared, or more than 168 hours have elapsed since the time the declaration was made and the governor has extended the period during which a person may carry a handgun under this subsection; and

(3) the person is not prohibited by state or federal law from possessing a firearm.

(l) Sections 46.02 and 46.03(a)(1), (a)(2), (a)(3), and (a)(4) do not apply to a person who carries a handgun if:

(1) the person carries the handgun on the premises, as defined by the statute providing the applicable offense, of a location operating as an emergency shelter during a state of disaster declared under [Section 418.014, Government Code](#), or a local state of disaster declared under [Section 418.108, Government Code](#);

(2) the owner, controller, or operator of the premises or a person acting with the apparent authority of the owner, controller, or operator, authorized the carrying of the handgun;

(3) the person carrying the handgun complies with any rules and regulations of the owner, controller, or operator of the premises that govern the carrying of a handgun on the premises; and

(4) the person is not prohibited by state or federal law from possessing a firearm.

(m) [As added by [Acts 2021, 87th Leg., ch. 1026 \(HB 1069\)](#)] Sections 46.02, 46.03, and 46.035(b) and (c) do not apply to a first responder who:

(1) was carrying a handgun in a concealed manner or in a shoulder or belt holster;

(2) holds an unexpired certificate of completion under [Section 411.184, Government Code](#), at the time of engaging in the applicable conduct;

(3) was engaged in the actual discharge of the first responder's duties while carrying the handgun; and

(4) was employed or supervised by a municipality or county to which Chapter 179, Local Government Code, applies.

(m) [As added by [Acts 2021, 87th Leg., ch. 809 \(HB 1927\)](#)] It is a defense to prosecution under Section 46.03 that the actor:

(1) carries a handgun on a premises or other property on which the carrying of a weapon is prohibited under that section;

(2) personally received from the owner of the property, or from another person with apparent authority to act for the owner, notice that carrying a firearm or other weapon on the premises or other property, as applicable, was prohibited; and

(3) promptly departed from the premises or other property.

(n) The defense provided by Subsection (m) does not apply if:

(1) a sign described by Subsection (o) was posted prominently at each entrance to the premises or other property, as applicable; or

(2) at the time of the offense, the actor knew that carrying a firearm or other weapon on the premises or other property was prohibited.

(o) A person may provide notice that firearms and other weapons are prohibited under Section 46.03 on the premises or other property, as applicable, by posting a sign at each entrance to the premises or other property that:

(1) includes language that is identical to or substantially similar to the following: "Pursuant to [Section 46.03, Penal Code](#) (places weapons prohibited), a person may not carry a firearm or other weapon on this property";

(2) includes the language described by Subdivision (1) in both English and Spanish;

(3) appears in contrasting colors with block letters at least one inch in height; and

(4) is displayed in a conspicuous manner clearly visible to the public.

(p) Sections 46.03(a)(7), (11), and (13) do not apply if the actor:

(1) carries a handgun on the premises or other property, as applicable;

(2) holds a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code; and

(3) was not given effective notice under Section 30.06 or 30.07 of this code or [Section 411.204, Government Code](#), as applicable.

(q) Section 46.03(a)(8) does not apply if the actor:

(1) carries a handgun on a premises where a collegiate sporting event is taking place;

(2) holds a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code; and

(3) was not given effective notice under Section 30.06 or 30.07 of this code, as applicable.

Local Government Code
Title 7 – Regulation of Land Use, Structures, Businesses, and Related Activities
Subtitle A – Municipal Regulatory Authority
Chapter 229 – Miscellaneous Regulatory Authority of Municipalities
Subchapter A – Regulation of Firearms, Knives, and Explosives

Section 229.001. Firearms; Air guns; Knives; Explosives.

(a) Notwithstanding any other law, including Section 43.002 of this code and Chapter 251, Agriculture Code, a municipality may not adopt regulations relating to:

(1) the transfer, possession, wearing, carrying, ownership, storage, transportation, licensing, or registration of firearms, air guns, knives, ammunition, or firearm or air gun supplies or accessories;

(2) commerce in firearms, air guns, knives, ammunition, or firearm or air gun supplies or accessories; or

(a-1) An ordinance, resolution, rule, or policy adopted or enforced by a municipality, or an official action, including in any legislative, police power, or proprietary capacity, taken by an employee or agent of a municipality in violation of this section is void.

(b) Subsection (a) does not affect the authority a municipality has under another law to:

(3) except as provided by Subsection (b-1), adopt or enforce a generally applicable zoning ordinance, land use regulation, fire code, or business ordinance;

(b-1) The exception provided by Subsection (b)(3) does not apply if the ordinance or regulation is designed or enforced to effectively restrict or prohibit the manufacture, sale, purchase, transfer, or display of firearms, firearm accessories, or ammunition that is otherwise lawful in this state.

(g) This section does not limit the enforceability of any state or federal law.

(FOLLOWING MAY BE PREEMPTED BY STATE STATUTE)

Alamo Heights Code of Ordinances
CODE OF ORDINANCES City of ALAMO HEIGHTS, TEXAS Codified through Ordinance No. 2181, adopted
November 8, 2021. (Supp. No. 13)PART II-CODE OF ORDINANCES

Chapter 3 – Zoning
Article II – Land Use

Section 3-8 Use of land and buildings.

Land and buildings in each of the following classified districts may be used for any of the specified uses shown on the schedule as permitted in each district. No land shall hereafter be used and no building or structure shall hereafter be erected, altered, converted, designed, arranged or used for other than those uses specifically indicated as permitted uses in the district in which such land or building is located according to the following schedule of permitted uses:

Use Type:	SF-A	SF-B	2F-C	MF-D	P	O-1	B-1	B-2	B-3
Business & Related Uses									
Gun shop							S	S	S

Legend:

, Designates use permitted in zone

S, Indicates specific use permit as provided in section 8-37 of this chapter.

Article X – Special Regulations

Section 3-87. Specific use permits.

The city council of the City of Alamo Heights, Texas, after public hearing with proper notice to all parties affected, and after recommendation from the city planning and zoning commission, may authorize for specific areas the issuance of specific use permits for the following types of uses in only those districts specified for such use as follows:

(17) Gun shops in the B-1, B-2 and B-3 Districts subject to recommendation by the police chief as to the safety of the public, security of weapons storage facilities, current licensing by appropriate federal and state authorities, compliance with federal and state laws and licensing requirements and without the sale of explosives. No specific use permit for gun shops shall be transferable or assignable and shall terminate upon any such transfer, assignment or relocation.

Allen Land Development Code

LAND DEVELOPMENT CODE City of ALLEN, TEXAS Codified through Ordinance No. 3886-1-22, enacted January 11, 2022. (Supp. No. 19) Article VI – Special Zoning Provisions

Section 6.06.1. Firearms and explosives sales and service.

Uses constituting firearms sales and service shall be classified as a retail use and permitted in accordance with section 4.20.2 and as a home occupation in accordance with section 4.10 and shall be subject to the following additional development and use regulations:

1. The storage of flammable or explosive materials is subject to the approval of the fire marshal.
2. The manufacture or assembly of ammunition or explosives for sale or commercial purposes is prohibited in all areas within the city.

Balch Springs Code of Ordinances

CODE OF ORDINANCES City of BALCH SPRINGS, TEXAS Codified through Ordinance No. 3232-21, adopted May 24, 2021. (Supp. No. 27) PART II-CODE OF ORDINANCES

Chapter 54 – Offenses and Miscellaneous Provisions

Article IV – Minors

Division 2 – Discharge and Possession of Firearms by Minors

Section 54-121. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult means a person who is 18 years of age or older.

Child means any person who is younger than 18 years of age.

Firearm means any device which is designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosive or burning substance, or any device readily converted to such use.

Prohibited weapon means a weapon as defined in V.T.C.A., Penal Code 46.05.

Range means any public or private facility at which firearms training and/or practice is conducted under controlled circumstances intended to encourage the safe handling of firearms and at which procedures or facilities are in place which prevent the projectiles discharged from the firearms from causing any damage to any person or property.

Weapon means a weapon as defined in V.T.C.A., Penal Code 46.01.

Section 54-123. Violations; defenses.

(a) It is unlawful for a child to, intentionally, knowingly, recklessly or with criminal negligence, discharge or possess a firearm, weapon or prohibited weapon within the city.

(b) It is unlawful for an adult intentionally, knowingly, recklessly or with criminal negligence to facilitate, suffer or permit the discharge of a firearm by a child by allowing the child to obtain unsupervised access to the firearm.

(c) It is unlawful for an adult intentionally, knowingly, recklessly or with criminal negligence to facilitate, suffer or permit the physical possession of a firearm, weapon or prohibited weapon by a child by allowing the child to obtain unsupervised access to the firearm, weapon or prohibited weapon.

(d) It is a defense to prosecution under subsection (a), (b) or (c) of this section that the:

(1) Firearm was possessed or discharged upon a range and under the supervision of an adult;

(2) Child's access to the firearm, weapon or prohibited weapon was obtained as a result of an unlawful entry; or

(3) Discharge or possession of the firearm, weapon or prohibited weapon was justified as provided in V.T.C.A., Penal Code ch. 9.

(e) It is additionally a defense to prosecution under subsection (b) or (c) of this section that the adult had taken reasonable precautions under the attendant circumstances to ensure that minors would not have the ability to obtain access to the firearm, weapon or prohibited weapon without supervision. Such precautions may include, but need not be limited to:

- (1) Storage of the firearm, weapon or prohibited weapon in a place where, at the time such access was obtained, an unsupervised child would not reasonably have been expected to have been able to gain access to such place;
- (2) Storage of the firearm, weapon or prohibited weapon in a locked safe, rack, hard case, soft case, drawer, cabinet or other locked container; or
- (3) Installation of a lock on the firearm to prevent the normal function and discharge of such firearm.

Bedford Code of Ordinances

CODE OF ORDINANCES City of BEDFORD, TEXAS Codified through Ordinance No. 22-3343, adopted June 14, 2022. (Supp. No. 15, Update 2)PART II-CODE OF ORDINANCES

Chapter 98 – Secondhand Goods

Article II – Junk Dealers; Secondhand Dealers; Pawnbrokers

Section 98-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Secondhand dealer means and includes any person engaged in any of the following: Collecting, handling, buying, trading, selling or engaging in the sale or trafficking in of any of the following: Used or secondhand wearing apparel consisting of hats, shoes, overcoats, raincoats and any and all kinds of clothing; used or secondhand watches, jewelry, diamonds, luggage, musical instruments, shotguns, rifles, revolvers, and all other kinds of firearms; and any and all kinds of used goods, wares and merchandise which are handled by pawnbrokers and secondhand dealers in the usual course of trade.

Section 98-33. License requirements.

No junk dealer, secondhand dealer or pawnbroker shall transact or engage in business within the city unless or until he shall have obtained an annual license therefor, which license may be procured by complying with the following provisions:

- (1) Application; information to be shown. An applicant for a license shall make request therefor in writing addressed to the city secretary which application shall contain the name, residence and street number and such other reasonable information as will identify such applicant, together with the classification of such applicant, in case of a firm or corporation, in which event the application shall show the individual members of the partnership and officers of the corporation.
- (2) Application to contain provision relative to compliance with ordinances. The license hereby applied for shall be subject to all the provisions and regulations of this Code and other ordinances of the city related to junk, junk dealers, secondhand dealers and pawnbrokers.
- (3) License fees. The annual license fee for licenses under this section shall be \$100.00, paid in advance.
- (4) Application to be signed and sworn to. Such application shall be signed and sworn to by the person applying therefor before some officer authorized by law to administer oaths.
- (5) Issuance of license. Each application shall be presented to the city secretary, who shall issue a license to the applicant upon compliance of the applicant with the terms of this article.

**Appendix B – Zoning Ordinance
Chapter 3 – Permitted Uses**

Section 3.1. Schedule of permitted uses.

Legend		Zoning Classification		
	Unconditional Permitted Use	R-15000	Single-Family Residential	M Mobile-Home Park
	Prohibited or Currently Not Listed	R-9000	Single-Family Residential	S Service Commercial
S	Specific Use Permit/Public Hearing Required	R-7500	Single-Family Residential	L Light Commercial
	*See Section 3.2 for requirement of Specific Use Permit	R-6500	Single-Family Residential	H Heavy Commercial
		MD-1-4	Medium Density Residential	I Industrial
		MF	Multi-Family Residential	

Use		Zoning Classifications										
		R-15000	R-9000	R-7500	R-6500	MD 1-4	MF	M	S	L	H	I
General Merchandise	Gun Shops									S	S	S

Canton Code of Ordinances

Current through Ordinance Number 2011-09, passed May 15, 2011. (Supplement Number 1)

Title XIII – General Offenses

Chapter 131 – Weapons

Section 131.01. Firearms.

(A) Definition.

Firearm. A pistol, revolver, rifle, bow and arrow, shotgun, short-barrel firearm, gas gun or gas pistol, BB gun or BB pistol, pellet gun or pellet pistol, zip gun, air gun, or any other 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) Unlawful activity.

(1) It is unlawful for any person to knowingly:

(a) Shoot, discharge or flourish any firearm, within the City of Canton except in those areas open to the public for lawful hunting or upon established shooting ranges.

(b) Have in his or her possession or under his or her control, or use or discharge, a firearm while under the influence of intoxicating liquor or a controlled substance.

(2) This section shall not apply to any officer of the United States, the state, the county or the municipality who is authorized to use firearms in the enforcement of any law or ordinance and who is actually engaged in such enforcement.

(3) This section shall not apply to a firearm utilizing blank cartridges or other means of non-projectile discharge as part of a military funeral, reception for a visiting head of state or dignitary, or other athletic, theatrical, ceremonial or commemorative events, if performed safely and directed away from persons, animals, equipment or structures so as to prevent personal injury or property damage.

(C) Violations and penalties. Violation of this section shall be a Class C Misdemeanor and, upon conviction, be punishable by a fine of not more than \$500 for each offense. In addition, the firearm shall be forfeited to the City of Canton. If the conviction under division (B)(1) and (B)(2) is for the discharge of a firearm from a vehicle, the court may order forfeiture of the defendant’s interest in the vehicle to the municipality in addition to any other penalties.

Castle Hills Code of Ordinances

CODE OF ORDINANCES City of CASTLE HILLS, TEXAS Codified through Ordinance No. 2022-01-11-A, enacted January 11, 2022. (Supp. No. 8)Chapter 18 – Fire Prevention and Protection

Article IV – Fire Code

Division 2 – Explosives

Section 18-149. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Small arms ammunition means any shotgun, rifle, pistol, or revolver cartridges.

Section 18-150. Sale, possession, storage and discharge restricted.

(a) No person shall manufacture any explosives, including small arms ammunition, within the corporate limits of the city except as otherwise specifically provided in this division.

Section 18-151. Exceptions.

(c) Nothing in this division shall be construed as prohibiting the hand-loading of small arms ammunition for private personal use and not for resale. For this purpose, not more than ten pounds of smokeless powder and 1,000 small arms primers packed in approved ICC containers shall be permitted to be kept on hand when acceptable to the police authorities.

Cibolo Code of Ordinances
CODE OF ORDINANCES City of CIBOLO, TEXAS Codified through Ordinance No. 1325, enacted January 12, 2021.
(Supp. No. 20)-2013 CIBOLO UNIFIED DEVELOPMENT CODE

Appendix A – Unified Development Code

Article 6 – Accessory, Temporary and Supplemental Use Requirements

Section 6.1. Accessory Uses.

6.1.2 Home Occupations

P. The sale of firearms shall only be permitted subject to the following conditions:

1. Issue of a license by the Bureau of Alcohol, Tobacco and Firearms;
2. Installation of a monitored home security system;
3. Installation of security lights that do not adversely affect adjoining residences;
4. Installation of a safe, or an equivalent storage system, to store all firearms;
5. Notification to the City Police and Fire Department's Chiefs;
6. Final Inspection and the Issuance of a Certificate of Occupancy;

Copperas Cove Code of Ordinances

CODE OF ORDINANCES City of COPPERAS COVE, TEXAS Codified through Ordinance No. 2022-13, passed March 15, 2022. (Supp. No. 72)CODE OF ORDINANCES

Chapter 20 – Zoning
Article III – Districts

Section 20-16. Permitted use charts.

Legend:

X - Permitted use

C - Conditional use

TP - Temporary permit

C* Special Use Permit is required from City Council.

Permitted Uses	R-1	R-2	R-3	R-MH	R-CE
Manufacturing	Single-Family Residential	Two-Family Residential	Multifamily Residential	Manufactured Home	Single-Family Country
Ammunition					
Guns, Howitzers, Mortars and Related Equipment					

Permitted Uses	B-1	B-2	B-3	B-4	B-5
Manufacturing	Professional Business	Local Retail	Local Business	Business	Business
Ammunition					
Guns, Howitzers, Mortars and Related Equipment					

Permitted Uses	B-PC	B-LS	AG-1	B-RV
Manufacturing	Private Club/General Business	Public Liquor Sales/ General Business	Agricultural	Recreational Vehicle Parks
Ammunition				
Guns, Howitzers, Mortars and Related Equipment				

Permitted Uses	M-1	M-2	B-BP
Manufacturing	Manufacturing	Heavy Manufacturing	Business Park
Ammunition		X	
Guns, Howitzers, Mortars and Related Equipment		C*	

Crowley Code of Ordinances
CITY CODE of CROWLEY, TEXAS Codified through Ordinance No. 01-2022-449, adopted January 6, 2022. (Supp. No. 18)PART II-CODE OF ORDINANCES

Chapter 18 – Businesses
Article VIII – Farmers’ Market

Section 18-401. Farmers’ market.

(g) It shall be unlawful for any person to sell or offer for sale any goods at a farmers’ market in violation of any of the following:

(7) The sale of firewood, firearms, and animals shall be prohibited.

Denton Code of Ordinances
CODE OF ORDINANCES City of DENTON, TEXAS Codified through Ordinance No. 22-319, adopted March 22, 2022. (Supp. No. 33, Update 2)Subpart A - CODE OF ORDINANCES

Chapter 16 – Licenses, Permits and Business Regulation
Article II – Junk Dealers and Dealers in Secondhand Merchandise
Division 1 - Generally

Section 16-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Secondhand dealer means any person carrying on or pursuing the business of buying, selling, bartering or exchanging predominantly used or predominantly secondhand motor vehicles, tires and tubes, clothing, machines, firearms, weapons, radios, appliances or devices or parts of machines, appliances or devices. A dealer will be deemed to be predominantly in such business if more than one-half of his transactions during any month of the calendar year involves used or secondhand merchandise.

Division 2 – License

Section 16-46. Required.

Each and every junk dealer or secondhand dealer shall obtain an annual license to pursue such business from the city secretary.

Dumas Code of Ordinances
CODE OF ORDINANCES City of DUMAS, TEXAS Codified through Ordinance No. 1137, enacted September 21, 2015. (Supp. No. 5)PART II - CODE OF ORDINANCES

Chapter 22 – Business
Article V – Secondhand Goods Dealers
Division 1 – Generally

Section 22-171. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Secondhand goods means scrap iron, tin, brass, copper, lead, zinc and all metallic substances, secondhand watches, knives, guns, cameras, jewelry, fishing equipment and similar items handled, purchased, received or offered for sale by dealers in secondhand goods, and shall mean and include secondhand plumbing and electric fixtures, wires, globes, brass pipe, lead pipe and pipe of other metals, melted metals of any kind, such parts of machinery or machines that may be identified as such, any fixture pertaining to a residence, business house or other house of any kind, automobile accessories, including horns, hubcaps, prestolite tanks, tires and all detached and detachable parts of any automobile, motorcycle, bicycle or motor vehicle of any kind, or any vehicle of any kind, hydrants, faucets, lawn hose, lawn sprinklers, gas fixtures, fittings and appliances, garden tools, mechanical tools of every description, harness, rags, rubber, rope, bottles and utensils of every description. The enumeration of the articles in this definition shall not be held to exclude other articles that may be reasonably included under the general definition of secondhand goods, when given its usual trade meaning.

Secondhand goods dealer means any person primarily engaged in collecting, handling, buying or selling any of the articles defined as secondhand goods.

Division 2 – Generally

Section 22-201. Required.

No person shall transact or engage in the business of a secondhand goods dealer within the corporate limits of the city until he shall have secured an annual license therefor.

Duncanville Code of Ordinances

Current through Ordinance 2357, enacted November 20, 2018. (Supplement 20)

CODE OF ORDINANCES CITY OF DUNCANVILLE, TEXAS DUNCANVILLE CODE OF ORDINANCES Appendix A – Zoning Ordinance

Article XII – K “MU-2” Mixed Use District Regulations “MU-2” Mixed Uses

Section 10. Miscellaneous restrictions.

(8) No occupation shall utilize hazardous materials, including ammunition and gunpowder.

Ennis Unified Development Ordinance

CODE City of ENNIS, TEXAS Codified through Ordinance No. 21-0316-E1, enacted March 16, 2021. (Supp. No. 33) UNIFIED DEVELOPMENT ORDINANCE Implementing Quality of Life

Article I – General Provisions

Article V – Use Standards

Section 5.1.5. Table of Allowed Uses.

Table 5.1-1: Allowed Uses																								
■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted * = Additional Standards Apply																								
Use Category	Use Type	Residential Districts										Commercial Districts			Industrial Districts		Public/Civic Districts		Special Districts			Additional Standards		
		A	RE	R-10	R-5	NC	D	TH	MF-1	MF-2	MH	C	BP	CC	L-IM	H-IM	IC	PP	C	T	N		C	T
Retail Sales	Firearm sales													■	■					■				

Article VIII – Landscaping and Open Space Standards

Article XI – Definitions

Section 11.4.3. Commercial Uses

E. Retail Sales

12. Firearm Sales: A retail store used for the sale, vending, dealing, exchange, or transfer, of firearms, with or without the sale of ammunition and/or firearm accessories.

Farmers Branch Code of Ordinances

CODE OF ORDINANCES City of FARMERS BRANCH, TEXAS Codified through Ordinance No. 3746, adopted May 17, 2022. (Supp. No. 26)PART II - CODE OF ORDINANCES

Chapter 94 – Zoning

Article 2 – Zoning Districts and Uses

Section 2.4. Permitted uses.

C. Use Table

Use	R-1	R-2	R-3	R-4	R-5	R-6	D-1	D-2	MF-1	MF-2	MF-3	MF-4	I-RU	O	LR-1	LR-2	C	LI	HI	Use Stds
Key: X = Use Permitted S = Specific Use Permit Required T = Temporary Use Blank Cell = Use Not Permitted																				
Retail and Service Type Uses																				
Gun (Firearm) Sales																S		X	X	

Article 7 – Definitions

Section 7.3. Definitions of uses.

Gun (Firearm) Sales - A person or entity engaged in the business of selling, transferring, or leasing; or advertising for sale, transfer, or lease, any firearm and/or ammunition, either directly or indirectly; and/or engaged in the retail sale of ammunition.

Fate Code of Ordinances

**CODE OF ORDINANCES City of FATE, TEXAS Codified through Ordinance No. O-2022-010, enacted May 16, 2022.
(Supp. No. 8) Subpart B - LAND DEVELOPMENT REGULATIONS**

Chapter 36 – Unified Development Ordinance

Article IV – Use Standards

Section 36-4.1. Table of allowed uses.

4.1-1 Table of Allowed Uses																			
■ = Permitted by Right □ = Permitted with a Specific Use Permit Blank Cell = Not Permitted * = Additional Standards Apply																			
Use Category	Use Type	Residential Districts							Commercial Districts				Public Districts		Special Districts		Additional Standards		
		A	R E	R - 1	R - 2	R - 3	R - 4	M H	PO	NC	H C	IN D	PP	IN S	RMU	OT			
															C	T	N	C	T
Commercial Uses																			
Retail Sales	Firearm Sales										■								

Article XII – Definitions

Section 36-12.3. General land use categories and specific use types.

12.3.3. Commercial uses.

E. Retail Sales

13. Firearm Sales: A retail store used for the sale, vending, dealing, exchange, or transfer of firearms, with or without the sale of ammunition and/or firearm accessories.

Forest Hill Code of Ordinances

CODE OF ORDINANCE City of FOREST HILL, TEXAS Codified through Ordinance No. 2012-10-011, enacted October 16, 2012. PART II - CODE OF ORDINANCES

Chapter 12 – Business Regulations

Article III – Junk Dealers and Secondhand Dealers

Section 12-60. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Secondhand dealer, is used in its ordinary and usual trade acceptance meaning, and also means and includes any person engaged in any of the following: collecting, handling, buying, trading, selling or engaging in the sale or trafficking in any of the following: used or secondhand wearing apparel consisting of hats, shoes, overcoats, raincoats and any and all kinds of clothing; used or secondhand watches, jewelry, diamonds, coins, precious metals, tableware, luggage, musical instruments, shotguns, rifles, revolvers and all other kinds of firearms; and any and all kinds of used goods, wares and merchandise which are handled by pawnbrokers and secondhand dealers in the usual course of trade.

Section 12-62. License requirements.

No junk dealer or secondhand dealer shall transact or engage in business within the city unless or until he shall have obtained an annual license therefor, which license may be procured by complying with the following provisions:

(1) Application; information to be shown. An applicant for a license shall make request therefor in writing addressed to the city secretary, which application shall contain the name, residence, and street number and such other reasonable information as will identify such applicant, together with the classification of such applicant, in case of a firm or corporation, in which event the application shall show the individual members of the partnership and officers of the corporation.

(2) Application to contain provision relative to compliance with ordinances. The license hereby applied for shall be subject to all the provisions and regulations of this Code and other ordinances of the city related to junk, junk dealers and secondhand dealers.

(3) License fees. The annual license fee for licenses under this section shall be as established by the city council.

(4) Application to be signed and sworn to. Such application shall be signed and sworn to by the person applying therefor before some officer authorized by law to administer oaths.

(5) Issuance of license. Each application shall be presented to the city secretary, who shall issue a license to the applicant upon compliance of the applicant with the terms of this article.

Fort Worth Code of Ordinances
Local legislation current through Ordinance 25428-03-2022, effective 3-29-2022
Chapter 20 – Licenses and
Miscellaneous Business Regulations
Article VII – Secondhand Dealers and Related Businesses
Division 1 – Generally

Section 20-251. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Secondhand Dealer.

(1) Any person who, in the usual and ordinary course of business, engages in the purchase, sale, barter or trade of used or secondhand goods, wares or merchandise.

(2) Secondhand Dealer shall include:

- a. Any business conducted by an established dealer in a permanent location within the city; or
- b. Any temporary or transient business where the dealer conducts business within the city for a period of more than 30 consecutive days.

Used or Secondhand Goods, Wares or Merchandise.

(1) Any item of personal property which is not purchased or sold by a dealer as new or which is acquired by a dealer after having been used or purchased by another.

(2) Used or Secondhand Goods, Wares or Merchandise shall include, but not be limited to, the following:

- d. Weapons and firearms;

(3) This term shall not be construed to include goods, wares or merchandise which are purchased or sold as new by the original manufacturer, wholesale distributor or retail businesses.

Section 20-252. Required Records and Reports.

(a) Any secondhand dealer doing business in the city, or any employee or agent of such dealer, who purchases or trades for used or secondhand goods, wares or merchandise in the city for the purpose of resale to the public shall, at the time of purchase, record in a legible manner in duplicate on a sequentially numbered report form, approximately five inches by eight inches in dimension, the following information:

- (1) An accurate and complete description of the article purchased;
- (2) Date and time of purchase;
- (3) The amount of money paid or other consideration exchanged for the property purchased;
- (4) The name, age, sex, race and place of residence of the person selling the article;
- (5) The license number of the automobile in which the article was delivered to the secondhand dealer, and the state that issued the license, as reported by the seller;
- (6) The number of the seller's drivers license, military identification card, state-issued identification card, or federally issued identification card, except a social security card; and
- (7) The signatures of the seller and the secondhand dealer.

(b) Neither the secondhand dealer nor any employee or agent of such dealer shall purchase or trade for any used or secondhand property unless the seller of such property provides one of the forms of identification required in subsection (a)(6) above.

(c) Any secondhand dealer who trades for or purchases used or secondhand goods, wares or merchandise from another licensed secondhand dealer shall be required to record upon the report form only the city license of the secondhand dealer from whom the used or secondhand articles were received, in lieu of the information required by subsection (a) above.

(d) The report forms described above shall be furnished by the city to secondhand dealers free of charge. Any secondhand dealer may, at his or her own expense, print and use his or her own report forms, provided such forms conform in dimension and in the information required to the forms furnished by the city.

(f) Neither the secondhand dealer nor any employee or agent of such dealer shall knowingly record false information of a material fact on a report required by this section.

Section 20-255. Removal, obliteration of manufacturer’s brand name or serial number.

No secondhand dealer shall remove, alter or obliterate the manufacturer’s brand name, serial number or other identifying numbers or marks from any secondhand article purchased.

Division 2: Secondhand Dealer Licenses

Section 20-271. Application; Fee; Duration.

(a) No secondhand dealer shall transact or engage in business within the city unless and until such secondhand dealer has obtained a license as follows.

- (1) Any secondhand dealer desiring a license shall make written application to the chief of police upon forms provided by the police department.
- (2) The application must be signed and sworn to by the applicant before an officer authorized by law to administer oaths.
- (3) Secondhand dealers shall pay an annual license fee in the amount of \$25 to the city tax assessor-collector.
- (4) Upon approval of the application by the chief of police and the payment of the license fee, the city tax assessor-collector shall issue a license to the applicant.

(b) All secondhand dealers licenses shall expire one year from date of issuance. Upon expiration, licenses shall be renewed for another year by the payment of the annual license fee of \$25 to the city tax assessor-collector.

Galveston Code of Ordinances

CODE OF ORDINANCES City of GALVESTON, TEXAS Codified through Ordinance No. 22-017, adopted March 24, 2022. (Supp. No. 138)LAND DEVELOPMENT REGULATIONS of 2015 CITY OF GALVESTON, TEXAS

Appendix A – Land Development Regulations

Article 2 – Uses and Supplemental Standards

Division 2.200 – Uses by District

Section 2.201. Permitted, restricted, and specific uses.

A. Symbols in Uses Table. The following symbols are used in Table 2.201 to indicate whether a particular use is permitted, limited, permitted by specific use review, or prohibited within each zoning district:

- 2. "L" indicates a Limited Use that is subject-to-review by the Development Services Director for compliance.
- 4. "-" indicates a prohibited use.

Table 2.201 Permitted Uses: Commercial Uses														
P = permitted use; L = limited use; S = specific use review; "-" = prohibited use														
Zoning District														
Commercial Land Uses	R-0	R-1	R-2	R-3	MF	UN	NS	TN	C	CB	RES/REC	LI	HI	Use Standard
Gun Shop	—	—	—	—	—	—	—	—	L	L	L	L	L	Limited

Graham Code of Ordinances

CODE OF ORDINANCES City of GRAHAM, TEXAS Codified through Ordinance No. 1126, enacted April 28, 2022. (Supp. No. 11, Update 1)Appendix A – Zoning Ordinance

Part B

Article 3 – “R-1” Single-Family Dwelling District Regulations

Section 1. Use regulations.

In an R-1 single-family dwelling district no land shall be used and no building shall be erected for or converted to any use other than:

(9) Customary home occupations: Occupations ordinarily carried on in a home that are not detrimental or injurious to adjoining property. These may include ...gun repair, provided no sale of firearms, nor discharge of firearms, nor storage of ammunition allowed on premises; ...or other similar uses.

Harker Heights Code of Ordinances

Current through Ordinance 2020-17, passed May 12, 2020.

Title XV – Land Usage Chapter 155 – Zoning Code District Regulations

Section 155.034. M-2 Heavy Manufacturing District.

(B) Conditional uses.

(15) Fireworks and ammunition manufacture or storage.

Henderson Code of Ordinances

Current through Ordinance 19-12-39, passed January 14, 2020.)

Title XIII – General Offenses Chapter 132 – Fireworks

Section 132.01. Definitions.

Small Arms Ammunition. Any shotgun, rifle, pistol or revolver cartridge.

Section 132.06. Small arms ammunition manufacture.

No person shall manufacture small arms ammunition within the corporate limits of the city. This provision shall not be construed as prohibiting the hand loading of small firearms ammunition for private use and not for sale.

Hollywood Park Code of Ordinances

**CODE Town of HOLLYWOOD PARK, TEXAS Codified through Ordinance No. 2024, enacted April 19, 2022. (Supp. No. 8)Chapter 22 – Fire Prevention and Protection
Article IV – Explosives and Fireworks**

Section 22-109. Definitions.

Small arms ammunition means any shotgun, rifle, pistol or revolver cartridges.

Section 22-110. Possession, manufacture, sale, etc., prohibited.

No person shall:

(2) Manufacture any explosives, including small arms ammunition, within the corporate limits of the town except as provided in section 22-114(c);

Section 22-114. Exceptions.

(c) Nothing in this article shall be construed as prohibiting the hand loading of small arms ammunition for private personal use or gifts and not for resale. For this purpose, not more than ten pounds of smokeless powder and 1,000 small arm primers packed in approved I.C.C. containers shall be permitted to be kept on hand.

Ingleside Code of Ordinances

CODE OF ORDINANCES City of INGLESIDE, TEXAS Codified through Resolution No. 2021-40, enacted October 4, 2021. (Supp. No. 19)PART II - CITY CODE

Chapter 78 – Zoning

Article IV – District Regulations Division 11 – I Industrial District

Section 78-267. Objectionable uses.

The following uses, or manufacture, compounding, processing, packaging or treatment of the following products, having accompanying hazards, such as fire, explosion, noise, vibration, dust, or the emission of smoke, odor, or toxic substances may, if not in conflict with any law or ordinance in the city, be located in the I industrial district only after the location and

nature of such use shall have been approved by the city council after public hearing and compliance with the procedures set forth in this section. ...

(1) Chemical, petroleum, coal, and allied products, as follows:

Explosives, including ammunition and fireworks, and explosives storage.

Irving Code of Ordinances
THE CODE OF CIVIL AND CRIMINAL ORDINANCES City of IRVING, TEXAS Codified through Ordinance No. 2022-10550, enacted FebruaryPART II - THE CODE

Chapter 50 – Regulated Property, Purchase and Sale

Section 50-1. Definitions.

(7) Regulated property means new or used:

(f) Firearms;

Section 50-2. Regulated property purchase records.

A person who purchases regulated property for the purpose of resale shall:

(1) Keep a sales record which indicated the manufacturer or authorized vendor from which the regulated property was purchased; or

(2) If the regulated property was purchased from other than a manufacturer or authorized vendor, the person shall:

(a) At the time of purchase, record in a legible manner the name, address, driver's license number or personal identification certificate number of the seller, a description of the property purchased; and the price paid or other consideration exchanged for the property purchased;

(b) At the time of purchase determine that the photograph on the driver's license or personal identification certificate is a photograph of the seller;

(c) Retain possession of the property purchased and withhold the property from resale for seven (7) business days;

(d) Make the purchased property available for inspection by any police officer during regular business hours while the property is in the person's possession; and

(3) Maintain on file the information required by subparagraph (1) and (2) for one (1) year from date of purchase or until the item is sold, whichever occurs later.

Jacksonville Code of Ordinances
CODE OF ORDINANCES City of JACKSONVILLE, TEXAS Codified through Ordinance No. 1600, enacted July 13, 2021. (Supp. No. 18)PART II - THE CODE

Chapter 7 – Fire Protection and Prevention
Article III – Fireworks and Ammunition

Section 7-42. Definitions.

Small arms ammunition: Any shotgun, rifle, pistol, or revolver cartridge.

Section 7-47. Small arms ammunition manufacture prohibited.

No person shall manufacture small arms ammunition within the corporate limits of the city. This provision shall not be construed as prohibiting the hand loading of small ammunition for private use and not for resale.

Keller Code of Ordinances
CODE OF ORDINANCES City of KELLER, TEXAS Codified through Ordinance No. 2072, enacted June 21, 2022. (Supp. No. 34, Update 2)PART II - CODE

Chapter 13 – Peddlers, Solicitors and Itinerant Merchants
Article II – Pawnbrokers, Secondhand Dealers, Junk Dealers

Section 13-200. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Secondhand dealer. The term "secondhand dealer" is used in its ordinary and usual trade acceptance meaning and shall also mean and include any person engaged in any of the following: Collecting, handling, buying, trading, selling or engaging in the sale or trafficking of any of the following: Used or secondhand wearing apparel, consisting of hats, shoes, overcoats, raincoats and any and all kinds of clothing; used or secondhand watches, jewelry, diamonds, luggage, musical instruments, shotguns, rifles, revolvers and all other kinds of firearms; and any and all kinds of used goods, wares and merchandise or other personal property which are handled by pawnbrokers and secondhand dealers in the usual course of trade.

Section 13-210. When no license required.

No license is required nor is any provision of this article applicable to any person, firm or business engaged in the temporary sales of personal property occurring on private, residentially zoned property, sold by the property's owner as in a "garage" or "estate" sale, or engaged in accepting personal property belonging to another for sale where remuneration or fee for such sale is paid only upon the final sale of such item.

Section 13-230. License requirement.

No junk dealer, secondhand dealer or pawnbroker shall transact or engage in business within the city unless or until he shall have obtained an annual license therefor, which may be procured by complying with the following provisions:

- (1) An applicant for a license shall make a request therefor in writing addressed to the permit department, which shall contain the name, residence and street address and such other reasonable information as will identify such applicant, together with the classification of such applicant in case of a firm or corporation, in which event the application shall show the individual members of the partnership and/or officers of the corporation.
- (2) The license hereby applied for shall be subject to all the provisions and regulations of this Code and other ordinances of the city related to junk, junk dealers, secondhand dealers and pawnbrokers.
- (3) The application must be accompanied by a certified copy of a pawnbroker license issued by the consumer credit commissioner pursuant to article 5069-51.03 of Vernon's Texas Civil Statutes Annotated, along with a certified copy of the bond accompanying such state pawnshop license and a receipt showing payment of the necessary fees under article 5069-51.04 of Vernon's Texas Statutes Annotated.
- (4) The annual license fees under this section shall be two hundred dollars (\$200.00), paid in advance for such application. Such application shall be signed and sworn to by the person applying therefor before such officers authorized by law to administer oaths.
- (5) Each application shall be presented to the city permit department which shall issue a license to the applicant upon its compliance with the terms of this article.

Kerrville Code of Ordinances

CODE OF ORDINANCES City of KERRVILLE, TEXAS Codified through Ordinance No. 2022-14, enacted March 22, 2022. (Supp. No. 37)PART II - CODE OF ORDINANCES

Chapter 60 – Zoning

Article IX – Supplementary Development Requirements for Certain Uses

Section 60-60. Supplementary development requirements.

(9) Home occupation.

c. Uses prohibited as a home occupation. The following uses are prohibited as a home occupation:

5. Uses involving the sale of firearms, ammunition, or explosives;

e. Existing home occupation: a home occupation legally in existence as of the date of adoption but that does not fully comply with this section is deemed a legal nonconforming use and may continue in accordance with article XIII of this zoning code; however, this exception does not include the following uses: vehicle repair and service of any type; repair services for large appliances and equipment; and uses involving the sale/repair of firearms, ammunition, and/or explosives. The burden of proof of such a legal nonconforming status for a home occupation is on the occupant.

Killeen Code of Ordinances

**CODE OF ORDINANCES City of KILLEEN, TEXAS Codified through Ord. No. 22-034, enacted May 17, 2022. (Supp. No. 27, Update 1)Chapter 15 – Licenses, Permits and Miscellaneous Business Regulations
Article VI – Secondhand Dealers**

Section 15-100. Definitions.

For the purpose of this article, the following words and phrases shall have the following meanings:

(d) Secondhand dealer or dealer shall mean a person, partnership or corporation whose business at any location or site, including internet based businesses, consists of the collecting, handling, buying, trading or selling of used or secondhand merchandise from precious metals, gems, luggage, musical instruments, firearms as defined by Texas Penal Code, electronics and other wares and merchandise handled by secondhand dealers in the usual course of trade.

The term secondhand dealer shall not mean any person, partnership or corporation whose business consists only of the sale, purchase, or handling of new goods or merchandise, any person conducting a lawful garage sale under chapter 15, any person, partnership or corporation operating a licensed pawn shop, unless stated otherwise, or businesses operating exclusively as automotive dealers.

(e) Used shall mean any item, article or good which has been previously owned by someone other than the manufacturer or a dealer whose business it is to sell such items, articles or goods when new to the consumer.

Section 15-101. License requirements.

No secondhand dealer shall transact or engage in business within the city without a license. Any person who engages in more than one business described herein at separate locations must obtain a license for each permanent location of any such business. The license may be procured by complying with the following provisions.

La Porte Code of Ordinances

Current through Ordinance 2020-3785, enacted March 30, 2020. (Supplement 42, Update 2)

Subpart B - LAND USE REGULATIONS

**Chapter 106 – Zoning
Article III – Districts
Division 1 – Generally**

Section 106-309 Land use districts.

For the purpose of this chapter, the city is hereby divided into land use development districts as follow:

District Symbol	District
NC	Neighborhood commercial district
GC	General commercial district
MS	Main street district with overlay
MU	Mixed use district
BI	Business-industrial district
LI	Light industrial district
HI	Heavy industrial district

Section 106-310. Table A, Commercial & Industrial Uses.

2017 NAICS Code	2017 NAICS Title	**	NC	MS	GC	MU	BI	LI	HI
31-33	Manufacturing								
332992	Small Arms Ammunition Manufacturing								P
332993	Ammunition (except Small Arms) Manufacturing								P
332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing								C

La Marque Code of Ordinances

Current through Ordinance O-2018-007, enacted June 11, 2018. (Supplement 11)

**Chapter 38 – Junk and Junk Dealers; Pawnbrokers and Secondhand Dealers
Article III – Pawnbrokers and Secondhand Dealers**

Section 38-90. Definitions.

For the purpose of this article, the following terms are defined to have the following meanings:

Secondhand dealer. Any person engaged in the business of purchasing or selling precious metals, old gold or identifiable silver, precious stones, jewelry, firearms or any other property of a kind commonly subject to theft which has been used or transferred from the manufacturer to the dealer and then received into the possession of third parties is hereby declared to be a secondhand dealer.

Section 38-94. Locations prohibited in proximity to specified buildings.

(a) It shall be unlawful for any person to engage in the occupation of pawnbroker or secondhand dealer at any place or upon any premises in the city within 250 feet of any occupied residential dwelling, church, or school.

(b) It shall be unlawful for any person to engage in the occupation of pawnbroker or secondhand dealer at any place or upon any premises in the city that is not a permanent building as defined in the International Building Code as adopted by the City of La Marque.

Section 38-96. Annual license.

Any and all persons engaged in business as a pawnbroker or secondhand dealer within the city shall obtain a license from the city clerk. The annual license fee shall be in an amount as determined from time to time by ordinance, unless such business is operated by a nonprofit group, in which case the fee shall be waived.

Lago Vista Code of Ordinances

Current through date unknown.

CHAPTER 14 ZONING

**Exhibit – A Zoning Ordinance
Part IV – Administration and Enforcement
Section 16 – Home Occupations**

Section 16.40. Uses Prohibited as home occupations.

The following is a list of uses normally prohibited since these typically fail to meet the use limitations, conditions and restrictions set forth in section 16.20. Prohibited uses are not limited to those listed below, but include any uses which fail to comply with use limitations in section 16.20, conditions and restrictions set forth in this chapter.

Firearms or ammunition sales

Lake Jackson Code of Ordinances

CODE OF ORDINANCES City of LAKE JACKSON, TEXAS Codified through Ordinance No. 22-2243, adopted January 3, 2022. (Supp. No. 24)PART II - CODE OF ORDINANCES

**Chapter 110 – Zoning
Article VI – Supplementary Regulations**

Section 110-161. Customary home occupations.

(b) Customary home occupations may be conducted in the home within the limits of the following:

(1) Uses permitted Customary home occupations include ... the transfer of firearms, demand responsive transport services, answering service, or other similar occupations.

(a) Under this subsection, firearms may only be transferred by a person who holds a federal firearms license and may only be transferred to a person who already owns, but does not yet possess, the firearm. Commercial selling or trading of firearms is prohibited. Maintaining stock or inventory of firearms is prohibited.

Lakeside Code of Ordinances

Current through Ordinance Number 408, passed February 14, 2019. (Supplement Number 9)

**Title XV – Land Usage
Chapter 151 – Zoning Code**

(B) Land Use Table.

Town of Lakeside Land Use Table										
P = Permitted Use S = Specific Use Permit Blank = Prohibited Use										
Residential						Land Use Designation	Non-Residential			Special Conditions (See § 151.013)
		R-1	R-2	MF	MH		C			
Commercial, Retail and Service Uses										
						Gun shop sales and service	S			a

Laredo Code of Ordinances

CODE OF ORDINANCES City of LAREDO, TEXAS Codified through Ordinance No. 2022-O-076, adopted May 16, 2022. (Supp. No. 19, Update 3)PART II - CODE OF ORDINANCES

Chapter 21 – Offenses and Miscellaneous Provisions
Article X – Gun-Free School Zones

Section 21-192. Definitions.

(b) School zone means in or on the grounds of a public, parochial, or private school, or an institution of higher education, or within a distance of three hundred (300) feet from the grounds of a public, parochial, or private school, or inside a school bus, or on premises where an official school function is taking place, or an event sponsored or sanctioned by the University Interscholastic League is taking place. "**School zone**" shall also include any playgrounds that are intended to be used for recreational purposes, which are open to the public, and contain three (3) or more separate apparatus intended for the recreation of children, such as slides, swing sets, and teeterboards. "**School zone**" shall also include youth recreational centers that are intended primarily for use by persons who are seventeen (17) years of age or younger, and regularly provides athletic, civic recreational, or cultural activities.

(c) School means a school or premises rented or leased by the school district which provides elementary or secondary education as determined under state law.

Section 21-193. Prohibition against possession of a firearm in a school zone.

(a) It shall be unlawful for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.

(b) Subsection (a) shall not apply to the possession of a firearm if any of the following apply:

- (1)** The firearm is in the possession of an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;
- (2)** The firearm is in the possession of a law enforcement officer.

Longview Code of Ordinances

Current through Ordinance 4250, passed March 13, 2020.

Chapter 70 – Police

Article V – Regulation of Secondhand Dealers and Secondhand Goods, Wares, and Merchandise

Section 70-61. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Purchase shall mean a transaction in which a person takes title to regulated property in exchange for valuable consideration.

Secondhand dealer shall mean any person who, in the usual and ordinary course of business, engages in the purchase, sale, barter, consignment, or trade of used or secondhand goods, wares, or merchandise, but does not include persons who accept the trade of a used product for a like product that is new or has been remanufactured. For the purposes of this article, secondhand dealers shall include:

- (1)** any business conducted by an established dealer of used or secondhand goods, wares, or merchandise in a permanent location within the city; or
- (2)** any temporary or transient business where the dealer conducts business within the city limits for the sale of used or secondhand goods, wares, or merchandise for more than 30 days in one calendar year.

For the purposes of this article, any person who in the usual and ordinary course of business engages in the purchase, sale, barter, consignment, or trade of new goods as well as used or secondhand goods, wares, or merchandise, shall be considered a secondhand dealer.

Used or secondhand goods, wares, or merchandise shall mean any item of personal property, which is not purchased or sold by a dealer as new or which is acquired by a dealer after having been used or purchased by another. Used or secondhand goods, wares, or merchandise shall include the following:

- (2)** all firearms;

This term shall not be construed to include goods, wares, or merchandise which are purchased or sold as new by the original manufacturer, wholesale distributor, or retail business.

Section 70-62. License required.

(a) It shall be unlawful for any secondhand dealer to transact or engage in business within the city limits of the city unless and until said secondhand dealer has obtained a license in conformance with this article and as provided herein:

(1) a secondhand dealer desiring a license shall make written application to the Chief of Police of the city upon forms provided by the police department.

(2) the application must be signed and sworn to by the applicant before an officer authorized by law to administer oaths.

(3) secondhand dealers are and shall be hereby required to pay an annual license fee set by resolution of the City Council to the city police department for issuance of the license.

(4) upon approval of the application by the Chief of Police and the payment of the license fee as provided herein, a license shall be issued to the applicant.

(b) All secondhand dealers licenses required hereunder shall expire one year from date of issuance. Upon expiration, licenses shall be renewed for subsequent one year terms provided the applicant in all things complies with the requirements of this article and pays an annual license fee set by resolution of the City Council to the city police department.

McAllen Code of Ordinances

CODE OF ORDINANCES City of McALLEN, TEXAS Codified through Ordinance No. 2021-110, enacted December 13, 2021. (Supp. No. 90)PART II - CODE OF ORDINANCES Subpart A GENERAL ORDINANCES

**Chapter 70 – Offenses and Miscellaneous Provisions
Article I – In General**

Section 70-7. Possession of firearms by minors.

It shall be unlawful for any minor to have in his possession or carry on his person, except within the minor's domicile, a revolver, rifle, shotgun or any firearm which is of either air compression or percussion nature unless such minor is accompanied and supervised by a parent, guardian or responsible adult.

Mineral Wells Code of Ordinances

CODE OF ORDINANCES City of MINERAL WELLS, TEXAS Codified through Ordinance No. 2022-07, enacted February 1, 2022. (Supp. No. 21)PART II - CODE OF ORDINANCES

**Appendix B – Zoning Ordinance
Article 3 – Permitted Uses**

Section 3-1. Use of land and buildings.

A. Land Use Table Legend: The following table presents the zoning district classifications and the permitted uses within those classifications. Uses are listed as being "permitted", permitted by "specific use permit", and prohibited uses as signified by blank cells. Conditions are provided in section 3-2, special conditions for listed uses. Any use not expressly authorized and permitted herein is expressly prohibited.

P	Permitted use
S	Specific use permit
	Prohibited use

City of Mineral Wells Land Use Table																				
Land Use Designations	Residential Uses								Non-Residential								Special Conditions			
	A	CF	SF-E	SF-9	SF-6	MD	MF	MH	LB	GR	C	CBD	BP	LI	HI	WP-A		WP-B	(See Sec. 3-2)	
Industrial uses																				
Ammunition manufacturing and distribution																	P		P	2, 3, 5, 7, 11, 14, 15, 43

Section 3-2. Special conditions for listed uses.

3. May not be located within 300 feet of any property which is occupied by a church, public school, public hospital, day care or child care facility. The measurement of distance shall be measured as the linear distance, perpendicular to the nearest property line and then along the right-of-way, from the front door of the facility to the front door of the church, public school, public hospital, day care, or child care facility.

43. Construction, use and operation shall meet all local, state and federal requirements regulating the manufacturing/warehousing/distribution of ammunition and/or the components thereof (i.e. propellants, primers) as may be applicable.

Oyster Creek Code of Ordinances
Current through Ordinance 841, adopted October 17, 2019. (Supplement 2)

Appendix A – Zoning
Section 6 – Schedule of District Regulations Adopted

Section (6.3). C-1 Neighborhood Commercial District.

(b) Permitted Uses: In the C-1 District, no buildings or land shall be used and no building shall be erected or converted to any use other than the following; provided however, that any sales of goods or merchandise included in the following list shall be retail only, not wholesale:

- (42) Gun shop

Pasadena Code of Ordinances
CODE OF ORDINANCES City of PASADENA, TEXAS Codified through Ordinance No. 20-069, enacted June 16, 2020. (Supp. No. 31, Update 2)- CODE OF ORDINANCES

Chapter 20 – Miscellaneous Provisions and Offenses
Article I – In General

Section 20-15. Trespass on school property, Definition, acts included.

(a) **School**, as used herein includes any public, private or parochial nursery school, kindergarten, grade school, grammar school, high school, junior high school, college, university, or junior college, or any combination of two (2) or more of the foregoing.

(b) **School premises**, as used herein means any real estate used, occupied, or in any manner dedicated to exclusive use or occupancy as a school, or as a part or appurtenance thereof, including but not limited to buildings, dormitories and other structures, campuses, athletic fields, tennis courts, walks and roadways, so used, occupied or dedicated.

(c) **Trespass**, as used herein shall include the meaning ordinarily attributed to that term in law, but in any event, shall include the following whether within such ordinary meaning or not:

- (6) The act or conduct of any person in possessing or wilfully bringing upon any school premises any explosive, firearm or any dangerous weapon. This paragraph shall not apply to peace officers, officials, employees and contractors of such school, nor to any person lawfully resident on such school premises.

Pearland Code of Ordinances
CODE OF ORDINANCES City of PEARLAND, TEXAS Codified through Ordinance No. 1012-4, adopted November 22, 2021. (Supp. No. 19)CODE OF ORDINANCES

Chapter 14 – Junk and Junk Dealers
Article IV – Purchase and Sale of Regulated Property

Section 14-61. Definitions.

For the purposes of this article and regulations contained therein, the following terms, phrases, words and their derivations shall have the meaning ascribed to them in this section; in the event such terms are not defined in these regulations, they shall be construed in their common and usual significance:

Regulated property: New or used ... firearms, jewelry, silverware, gold or silver coins.

Section 14-62. Regulated property purchase; records.

A person who purchases regulated property for the purpose of resale shall:

(a) Keep a sales record which indicates the manufacturer or authorized vendor from which the regulated property was purchased, received, or acquired; or

(b) If the regulated property was purchased, received, or acquired from other than a manufacturer or authorized vendor the person shall:

- (1) At the time of acquisition, record in a legible manner, the full name, address, driver's license number, and social security number or personal identification number of the seller together with a description of the item purchased, including any serial or identification numbers;

- (2) At the time of acquisition, determine that the photograph on the driver's license or personal identification certificate is a photograph of the seller.

(c) Maintain on file the information required by subparagraphs (a) and (b) for one year from date of acquisition or until the item is sold, whichever occurs later.

Pecos City Code of Ordinances

Current through Ordinance 19-09-11-R enacted September 26, 2019. (Supplement 2)

Chapter 36 – Junked, Wrecked, Abandoned Property

Article II – Junk Dealers

Section 36-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Junk means old or scrap iron, tin, brass, copper, lead, zinc and all metallic substances, secondhand ... guns, ... and utensils of every description. The enumeration of the articles above shall not be held to exclude other articles that may be reasonably included under the general definition of "junk," when given its usual trade meaning.

Junk dealer means any person primarily engaged in collecting, handling, buying or selling any of the articles defined as "junk."

Section 36-20. License required.

No person shall transact or engage in the business of a junk dealer within the corporate limits of the city, until he shall have secured an annual license therefor.

Plano Code of Ordinances

CODE OF ORDINANCES City of PLANO, TEXAS Codified through Ordinance No. 2021-12-6, adopted December 13, 2021. (Supp. No. 138)PART II - CODE OF ORDINANCES

Chapter 11 – Licenses and Business Regulations

Article IX – Regulated Property

Section 11-362. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Regulated property means any new or used:

(6) Firearms;

Section 11-363. Regulated property purchases; records.

A dealer who purchases regulated property for the purpose of resale shall have the following duties:

(1) Keep a sales record which indicates the manufacturer or authorized vendor from which the regulated property was purchased and a description of the property purchased, including the make, model, serial number, color, and size.

(2) If the regulated property was purchased from a person or entity other than a manufacturer or authorized vendor, the dealer shall:

a. At the time of purchase, record in a legible manner the time and date of purchase, the name, sex, race, date of birth, height, address, driver's license number or personal identification card number of the seller, a description of the regulated property purchased, including the make, model, manufacturer, serial number, color, and size, and the price paid or other consideration exchanged for the regulated property purchased;

b. At the time of purchase, determine that the photograph on the driver's license or personal identification card is a photograph of the seller, and make and retain a photocopy of the driver's license or personal identification card;

c. At the time of purchase, have the seller sign a written statement provided by the dealer that states that the person is the legal owner of, or is lawfully entitled to sell, the regulated property offered for sale;

d. Retain possession of the regulated property purchased and withhold the property from resale for ten (10) business days unless, at the time of sale, the dealer obtains the name, address, and description of the buyer of the regulated property and retains such information for inspection by a police officer;

e. Make the purchased regulated property available for inspection by any police officer during regular business hours while the regulated property is in the dealer's possession; and

f. Cause:

1. Each lot, sack, barrel, box or other container of regulated property purchased to be kept intact and have written or stamped in a conspicuous place either on the container thereof or, if no container, tagged to each individual article, the serial number of the report made as set out in subparagraph (2)a. of this section, which number shall at all times be kept plain and legible;

2. Each article purchased to be kept intact and have attached thereto on the container thereof or, if no container, on the individual article, the serial number of the report made as set out in subparagraph (2)a. of this section, which number shall at all times be kept plain and legible.

(3) Maintain on file the information required by subparagraphs (1) and (2) for two (2) years from the date of purchase or until the item is sold, whichever occurs later. This file shall be maintained at the dealer's place of business and shall be made available for inspection by any police officer during regular business hours.

Section 11-364. Offenses.

A dealer commits an offense if he intentionally or knowingly;

(1) Violates any provision contained in section 11-363 of this article;

(2) Fails to retain possession of regulated property and/or withhold the regulated property from resale for ten (10) business days unless, at the time of sale, the dealer obtains the name, address, and description of the buyer of the regulated property and retains such information for inspection by a police officer;

(3) Offers for sale or sells regulated property purchased for resale for which he does not have:

a. A sales record indicating the manufacturer or authorized vendor from which it was purchased and a description of the regulated property purchased, including the make, model, serial number, color and size;

b. A record of the name, sex, race, date of birth, height, address, and driver's license or personal identification card number of the seller from whom he purchased the regulated property;

c. A written statement signed by the seller that the seller is the legal owner of, or is lawfully entitled to sell, the regulated property offered for sale;

d. A record of the person to whom he sells the regulated property, including subsections (3)a., (3)b., and (3)c. of this section, and the price paid or other consideration exchanged for the regulated property purchased and/or sold;

(4) Fails or refuses to produce for inspection by a police officer when requested at a reasonable time:

a. The original and/or copies of records required by section 11-363 of this article with respect to a particular item of regulated property; or

b. The regulated property to which the record required by section 11-363 of this article relates;

(5) Purchases for resale, offers for sale, or sells regulated property which has had the manufacturer's identification number or any other identifying mark removed, defaced, or altered.

Section 11-365. Exemptions.

The following types of property are exempt from the provisions of the foregoing sections concerning recordkeeping requirements for regulated property purchases:

(1) Regulated property that is donated to a nonprofit/charitable organization;

(2) Regulated property that is sold and/or purchased at a judicially ordered sale or estate sale; or

(3) Regulated property that is sold by federal, state or local governments.

Port Arthur Code of Ordinances

CODE OF ORDINANCES City of PORT ARTHUR, TEXAS Codified through Ordinance No. 22-07, enacted February 1, 2022. (Supp. No. 42)PART II - CODE OF ORDINANCES

Chapter 62 – Offenses

Article II – Weapons and Incendiary Items

Section 62-65. Rules for weapons at the Bob Bowers Civic Center.

(a) With the approval of the civic center director, weapons may be allowed in the Bob Bowers Civic Center under the following conditions:

(1) In keeping with all applicable state and federal gun laws, it is necessary that all dealers/vendors who sell firearms for a portion, or all of their livelihood, to possess a federal firearms license (FFL).

(2) Persons who make a sale of guns from their personal gun collection and who do not derive their livelihood from the sales of firearms, are not required to have a FFL.

(4) All local, state and federal laws must be observed.

(9) All table holders/vendors must adhere to local, state and federal laws as they apply to sales, trades and other transactions.

Port Neches Code of Ordinances
CODE OF ORDINANCES City of PORT NECHES, TEXAS Codified through Ordinance No. 2022-05, enacted May 19, 2022. (Supp. No. 24, Update 2)PART II - CODE OF ORDINANCES

Chapter 126 – Zoning
Article 126.5 – Supplementary District Regulations

Section 126.5.3. Home occupation.

126.5.3.2. Types of businesses that do not qualify as home occupations. The following uses do not qualify as home occupations:

(h) Sale, lease, trade or other transfer of firearms or ammunition;

Richardson Code of Ordinances
CODE OF ORDINANCES City of RICHARDSON, TEXAS Codified through Ordinance No. 4429, adopted May 9, 2022. (Supp. No. 31, Update 1)PART II - CODE OF ORDINANCES

Chapter 13 – Miscellaneous Offenses and Provisions
Article V – Regulated Property

Section 13-126. Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Regulated property means new or used:

(6) Firearms;

Section 13-127. Regulated property purchases; records.

A person who purchases regulated property for the purpose of resale shall comply with the following requirements:

- (1) Keep a serialized separately itemized sales record which identifies the manufacturer or authorized vendor from which each item of regulated property was purchased and a description of the regulated property purchased, including the make, model, serial number, color and size; or
- (2) If the regulated property is purchased from other than a manufacturer or authorized vendor, the person shall:
 - a. At the time of purchase, record in a legible manner, the time and date of purchase, the name, sex, race, date of birth, weight, height, address, drivers license number or personal identification certificate number of the seller, a description of the property purchased, including the make, model, manufacturer, serial number, color and size, and the price paid or other consideration exchanged for the property purchased;
 - b. At the time of purchase determine that the photograph on the drivers license or personal identification certificate is a photograph of the seller;
 - c. At the time of purchase obtain and record in a legible manner the thumb prints of the seller, or, if thumb prints cannot be taken, the index finger prints of the seller;
 - d. Retain possession of the regulated property purchased and withhold the regulated property from resale for a period of 20 business days following the date of purchase;
 - e. Make the purchased regulated property available for inspection by any peace officer during regular business hours while the regulated property is in the person's possession; and
 - f. Cause each item of purchased regulated property and any container thereof to be kept intact, and have written or stamped in a conspicuous place either on the container thereof or, if no container, on a tag attached thereon, the serial number of the sales record required in subsection (1) above, and this subsection (2) which number shall at all times be kept plain and legible.
- (3) Preserve and maintain at the person's place of business the records, reports and information required by subsection (1) above, and this subsection (2) for a period of two years following the date of purchase or until the regulated property is sold, whichever occurs later.

Section 13-129 Offenses.

(a) A person commits an offense if the person:

(1) Violates any provision of this article;

(2) Fails to retain possession of regulated property and withhold the regulated property from resale for a period of 20 business day following the date of purchase;

- (3) Offers for sale or sells regulated property previously purchased for resale for which the person does not have:
- a. A sales record identifying the manufacturer or authorized vendor from which it was purchased and a description of the property purchased, including the make, model, serial number, color and size;
 - b. A record of the name, sex, race, date of birth, weight, height, address and drivers license or personal identification certificate number of the seller from whom the person purchased the regulated property and the price paid or other consideration, exchanged for the regulated property purchased or paid; and
 - c. A record of the name, sex, race, date of birth, weight, height, address and drivers license or personal identification number of the purchaser and the price paid or other consideration paid or exchanged for the regulated property.
- (4) Fails or refuses to produce for examination and inspection by a peace officer:
- a. The records required by subsections 13-127(1) or (2) with respect to a particular item of regulated property, when requested to do so at a reasonable time by the peace officer and, if requested, copies of any such records must be furnished to the police officer; or
 - b. The regulated property to which the records required by subsections 13-127(1) or (2) relate, when requested to do so at a reasonable time by the peace officer.
- (5) Purchases for resale, offers for sale, or sells regulated property which has had the manufacturer's identification number or any other identifying mark removed, defaced or altered.

Richland Hills Code of Ordinances
CODE OF ORDINANCES City of RICHLAND HILLS, TEXAS Codified through Ordinance No. 1440-21, adopted
October 25, 2021. (Supp. No. 22, Update 1)PART II - CODE OF ORDINANCES

Chapter 18 – Business
Article V – Secondhand Goods Dealers
Division 3 – Purchase and Sale of Regulated Property

Section 18-252. Definitions.

The following words, terms and phrases when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized vendor means a commercial supplier who deals in the wholesale distribution of regulated property in the ordinary course of business.

Dealer means any person who:

- (1) Purchases regulated property for resale or salvage use; and
- (2) Obtains more than 25 percent of the value of the person's total inventory of regulated property from a source other than an authorized vendor or manufacturer.

Regulated property includes, but is not limited to, new or used:

- (6) Firearms, as defined by state law;

Section 18-253. Records required.

In addition to any other requirements found in this Code or state law, a person who purchases regulated property for the purpose of resale or salvage shall comply with the following requirements:

- (1) Keep an itemized sales record or report which identifies the manufacturer or authorized vendor from which each item of regulated property was purchased and a description of the regulated property purchased, including the make, model, serial number, color and size; or
- (2) If the regulated property is purchased from other than a manufacturer or authorized vendor, the person shall:
 - a. At the time of purchase, record in a legible manner, the time and date of purchase, the name, sex, race, date of birth, weight, height, address, drivers license number or personal identification certificate number of the seller, a description of the property purchased, including the make, model, manufacturer, serial number, color and size, and the price paid or other consideration exchanged for the property purchased;
 - b. At the time of purchase determine that the photograph on the drivers license or personal identification certificate is a photograph of the seller;
 - c. Retain possession of the regulated property purchased and withhold the regulated property from resale or salvage for a period of 20 business days following the date of purchase;

- d. Make the purchased regulated property available for inspection by any peace officer during regular business hours while the regulated property is in the person's possession;
- e. Cause each item of purchased regulated property and any container thereof to be kept intact, and have written or stamped in a conspicuous place either on the container thereof or, if no container, on a tag attached thereon, the serial number of the sales record required in subsection (1) above, and this subsection (2) which number shall at all times be kept plain and legible;
- f. Cause each item of purchased regulated property not equipped with a visible manufacturer serial number to be digitally photographed in its original condition at the time of the transaction. The photograph must be of such quality and detail to preserve a digital description of the regulated property including any unique characteristics or markings. All purchased crafted precious metals shall be digitally photographed in accordance with this subsection.

(3) Preserve and maintain at the person's place of business the records, reports and information required by subsections (1) and (2) above for a period of two years following the date of purchase or until the regulated property is sold, whichever occurs later.

Section 18-256. Offenses.

(a) A person commits an offense if the person:

- (1)** Violates or fails to comply with any provision of this division;
- (2)** Fails to retain possession of regulated property and withhold the regulated property from resale or salvage for a period of 20 business days following the date of purchase;
- (3)** Offers for sale or sells regulated property previously purchased for resale or salvage for which the person does not have:
 - a. A sales record identifying the manufacturer or authorized vendor from which it was purchased and a description of the property purchased, including the make, model, serial number, color and size;
 - b. A record of the name, sex, race, date of birth, weight, height, address and drivers license or personal identification certificate number of the seller from whom the person purchased the regulated property and the price paid or other consideration, exchanged for the regulated property purchased or paid;
 - c. A record of the name, sex, race, date of birth, weight, height, address and drivers license or personal identification number of the purchaser and the price paid or other consideration paid or exchanged for the regulated property; and
 - d. A digital photograph depicting the original condition of the non-serialized regulated property or crafted precious metal at the time of the transaction of such quality and detail as to preserve a digital description of the regulated property including any unique characteristics or markings.
- (4)** Fails or refuses to produce for examination and inspection by a peace officer:
 - a. The records required by subsections (1) or (2) of section 18-253 of this division with respect to a particular item of regulated property, when requested to do so at a reasonable time by the peace officer; or
 - b. The regulated property to which the records required by subsections (1) or (2) of section 18-253 of this division relate, when requested to do so at a reasonable time by the peace officer.
- (5)** Purchases for resale, offers for sale, or sells regulated property which has had the manufacturer's identification number or any other identifying mark removed, defaced or altered.
- (6)** Purchases or receives an item of property sealed or with its original packaging unopened unless the person conveying such item presents a receipt or proof of purchase for the item.
- (7)** Purchases regulated property from a minor, meaning a person under the age of 18 years, unless the minor's parent or guardian shall state in writing that such transaction is taking place with the parent or guardian's full knowledge and consent. This statement shall be maintained on file for one year from the date of purchase.

(b) An offense under this chapter is punishable by a fine of not less than \$100.00 or more than \$500.00, and a violation constitutes a separate offense for each item of regulated property involved.

Section 2-91. Supplementary use standards.

(ee) Retail sales and services.

(3) C-2 district. Cosmetic services and retail sales and service uses in the C-2 district are subject to the following requirements:

d. ... gun sales; ... are prohibited.

(6) MU-1, MU-2, and MU-R districts. Retail sales and services in the MU-1, MU-2, and MU-R districts are subject to the following standards:

c. Gun and/or firearm shops shall be prohibited within a 500-foot radius of an existing gun and/or firearm shop, as measured from property line to property line.

(7) MU-L district. It is the intent of the MU-L district to encourage the establishment of specialized personal services, boutique shops selling specialty items, and artisanal workshops. Therefore, retail sales and service uses are subject to the following standards:

a. The following uses are prohibited: ... gun or firearm shops; ... and wrecking yards.

Saginaw Code of Ordinances

CODE City of SAGINAW, TEXAS Codified through Ordinance No. 2021-26, adopted November 16, 2021. (Supp. No. 26)CITY CODE

Chapter 70 – Secondhand Goods

Article III – Junk and Secondhand Goods Dealers

Division 1 – Generally

Section 70-81. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Secondhand dealer shall have its ordinary and accepted meaning, and in addition shall also mean and include any person engaged in the sale or traffic in, collecting, handling, buying, trading and/or selling of any of the following: used or secondhand ... shotguns, rifles, revolvers and/or other firearms, knives and/or other weapons, and/or any and all other kinds of used or secondhand goods, wares and/or merchandise which are handled by secondhand dealers and pawnbrokers in their usual course of trade.

Section 70-82 Records required.

All licensed junk dealers and all licensed secondhand dealers shall at all times keep records of all business transactions within the city including the following information as to any junk or secondhand article purchased by or deposited with him for any purpose within the city:

(1) The name, address, sex, age, residence, race and signature of the person selling or depositing such junk or secondhand article, and the license number of the automobile in which it was delivered.

(2) An accurate description of the junk or secondhand articles purchased or deposited, the date and time of purchase or deposit thereof and the number of an identifying tag placed on the junk lot or secondhand items which will correlate them to the written record hereby required, and the address where purchased.

(3) Unless the licensee is personally acquainted with the seller or depositor of such junk or secondhand items sufficiently to thereafter positively identify such seller, some certain identification recordation, such as a driver's license number, social security number or similar information, which the licensee or his agent feels is authentic. If no other reliable record is offered, then the licensee shall require the ink thumbprint of the seller on such written record.

Section 70-86 Removal of identifying marks prohibited.

No junk dealer or secondhand dealer shall purchase or have in his possession or receive in pledge or on deposit for any purpose any article of junk or secondhand article from which the manufacturer's serial number or brand name or mark has been removed or obliterated.

Division 2 – License

Section 70-101. Required.

It shall be unlawful for any junk dealer or secondhand dealer to transact or engage in business within the city unless such dealer has obtained an annual license therefor from the city in accordance with this article.

San Antonio Unified Development Code
UNIFIED DEVELOPMENT CODE City of SAN ANTONIO, TEXAS Codified through Ordinance 2021-05-06-0309,
effective May 6, 2021. (Supp. No. 21)Article III – Zoning
Division 2 – Base Zoning Districts

Section 35-311. Use regulations.

(c) Permitted Uses.

(2) Use Categories and Specific Uses. The use categories listed in the first column of Tables 311-1 and 311-2 are defined in this chapter, the LBCS, NAICS, or in other resources cross-referenced in this chapter.

S = Specific Uses. An "S" indicates that the listed use is permitted within the respective zoning district only after review and approval of a specific use permit, in accordance with the review procedures of of this chapter. Specific use permits are subject to all other applicable standards of this chapter and those requirements that may reasonably be imposed by the city consistent with the criteria set forth in subsection(e) of this chapter and any supplemental use regulations which apply to said use.

= Prohibited Uses. A blank cell (" ") indicates that the listed use type is not allowed within the respective zoning district, unless it is otherwise expressly allowed by other regulations of this chapter.

Table 311-2 Nonresidential Use Matrix													
Permitted Use	O-1 & O-1.5	O-2*	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)	
Service	Ammunition - Manufacturing, Loading And Storage									S	S	2100	

Table 311-2a Nonresidential Use Matrix													
Permitted Use	Urban		Rural		Farm		Mixed Industrial						
	UD Major Node	UD Minor Node	RD Major Node	RD Minor Node	FR Ag Commercial	Village Center FR/ FR Minor Node	MI - 1	MI-1 Minor Node	Village Center - M1	MI - 2	MI-2 Minor Node	Village Center - M2	
Service	Ammunition - Manufacturing, Loading And Storage										S		

Schertz Code of Ordinances

CODE OF ORDINANCES City of SCHERTZ, TEXAS Codified through Ordinance No. 22-D-23, enacted June 7, 2022. (Supp. No. 22)Chapter 50 – Miscellaneous Offenses and Provisions
Article IV – Guns, BB Guns, Pellet Guns

Section 50-126. Unlawful to sell.

It shall be unlawful for any person, firm or corporation within the corporate limits of the city, to sell to any person under the age of 17 years any leaded cartridge or any explosive of any kind, or any gun capable of exploding or discharging a bullet, pellet, or BB.

Shavano Code of Ordinances

CODE OF ORDINANCES City of SHAVANO PARK, TEXAS Codified through Ordinance No. O-2021-013, adopted November 22, 2021. (Supp. No. 21)Chapter 16 – Fire Safety
Article II – Explosives and Blasting

Section 16-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Small arms ammunition means any shotgun, rifle, pistol, or revolver cartridges.

Section 16-20. General requirements.

(a) No person shall manufacture any explosives, including small arms ammunition, within the corporate limits of the City except as provided in section 16-21.

Section 16-25. Exceptions to application of article.

(c) Nothing in this article shall be construed as prohibiting the hand loading of small arms ammunition for private personal use and not for resale. For this purpose, not more than 20 pounds of smokeless powder, nor more than five pounds of black gunpowder, and 6,000 small arms primers packed in approved containers shall be permitted to be kept on hand.

Sugar Land Land Development Code
DEVELOPMENT CODE City of SUGAR LAND, TEXAS Codified through Ordinance No. 2248, enacted November 2, 2021. (Supp. No. 8)Chapter 2 - ZONING REGULATIONS

Chapter 2 – Zoning Regulations

Article II – Zoning Districts and Land Uses
Part 3 – Standard Nonresidential Districts

Section 2-91. Nonresidential districts permitted uses and parking schedule.

The Nonresidential Districts Permitted Uses and Parking Schedule is shown on the following pages:

Table 2-91.1: Permitted Uses and Parking Schedule for Nonresidential Zoning Districts

See. for the Key to Permitted Uses and Parking Schedule Tables.

P = Permitted Use

C = Conditional Use

Blank Box = Prohibited Use

Land Use	B-O*	B-1*	B-2*	M-1*	M-2	BR	Definition	Parking	Notes
Services									
Repair Shop, Small Personal and Household Goods	C	P	P	P	P		An establishment for the repair and service of small personal and household goods such as watches, clocks, jewelry, small appliances and electronics, instruments, cameras, bicycles as well as gun smithing, computers and associated equipment.	1:300 sq.ft.	

Texas City Code of Ordinances
Local legislation current through Ordinance 2022-08, passed 4-20-2022Title XI – Business Regulations
Chapter 114 – Junk Dealers
General Provisions

Section 114.01. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Junk. Clothing, household items, scrap iron, tin, brass, copper, lead, zinc and all metallic substances, secondhand ... guns, ... and utensils of every description. The enumeration of the articles in this definition shall not be held to exclude other articles that may be reasonably included under the general definition of JUNK when given its usual trade meaning.

Junk Dealer. Any person primarily engaged in collecting, handling, buying or selling any of the articles defined as “junk” or otherwise engaged in the business of buying or selling secondhand articles or as a trading post.

Licenses

Section 114.20. Required.

No person shall transact or engage in business as a junk dealer within the corporate limits of the city until he or she shall have secured an annual license therefor, issued by the Police Department.

Waco Code of Ordinances
CODE OF ORDINANCES City of WACO, TEXAS Codified through Ordinance No. 2021-784, enacted October 19, 2021. (Supp. No. 79)PART II - CODE OF ORDINANCES

Chapter 13 – Licenses, Permits and Business Regulations
Article VIII – Pawnbrokers and Other Secondhand Goods Dealers
Division 2 – Junk, Metals and Gem Dealers

Section 13-326. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

Junk dealer or secondhand dealer shall mean any person who buys, sells, receives for storage, accepts as a pledge for moneys loaned, or acquires in any way items defined as junk, regulated property, or regulated metals. The definition shall not include licensed pawnbrokers, state licensed metal recycling entity, or tax-exempt non-profit organizations.

Regulated property shall mean new or used electronic equipment, business machines, photographic equipment, power tools, musical instruments, firearms, jewelry, silverware or coins.

Section 13-328. Manufacturer's numbers required on junk or regulated property.

Any junk dealer or secondhand dealer shall not purchase or receive for deposit nor have in his possession any article of junk or regulated property from which the manufacturer's serial number or brand has been removed or obliterated.

Watauga Code of Ordinances

CODE OF ORDINANCES City of WATAUGA, TEXAS Looseleaf Supplement Codified through Ordinance No. 2021-054, enacted December 13, 2021. (Supp. No. 14) Subpart A - GENERAL ORDINANCES

Chapter 22 – Licenses, Permits and Business Regulations

Article IX – Pawnbrokers, Secondhand Dealers, Junk Dealers and Antique Dealers

Division 1 – Generally

Section 22-397. Definitions; exceptions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Secondhand dealer means a person whose principal business at any one location or site consists of the collecting, handling, buying, trading, or selling of used or secondhand merchandise. Such merchandise shall include, but is not limited to, clothing, watches, jewelry, objects fabricated from precious metals, diamonds, luggage, musical instruments, shotguns, rifles, handguns or any other type of firearms, and other wares and merchandise handled by secondhand dealers in the usual course of trade. The term "secondhand dealer" shall not mean any person whose principal business, at any given location or site, consists of the sale, purchase, or handling of new goods or merchandise. Further, the term "secondhand dealer" shall not apply to any person conducting a garage sale or yard sale from such person's residence, provided that such garage sale or yard sale shall not exceed three consecutive calendar days in duration and the number of sales shall not exceed four during any 12-month period.

Division 2 – License

Section 22-422. Required; issuance.

No junk dealer, secondhand dealer or antique dealer shall transact or engage in business within the city unless or until he shall have obtained an annual license therefor, which license may be procured by complying with the following provisions:

- (1) An applicant for a license shall make a request therefor in writing to the director of public works, which application shall contain the name, residence and street number and such other reasonable information as will identify such applicant, together with the classification of such applicant. In the case of a firm or corporation, the application shall reflect the individual members of the partnership and officers of the corporation.
- (2) The license hereby applied for shall be subject to all provisions and regulations of this Code and other ordinances of the city related to junk, junk dealers, secondhand dealers and antique dealers.
- (3) Such application shall be signed and sworn to by the person applying therefor before some officer authorized by law to administer oaths.
- (4) Each application shall be presented to the director of public works, who shall issue a license to the applicant upon compliance of the application with the terms of this division.