

- SUBJECT:** Prohibiting property associations from restricting firearms, ammunition
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 6 ayes — Nevárez, Paul, Burns, Clardy, Lang, Tinderholt  
2 nays — Goodwin, Israel  
1 present not voting — Calanni
- SENATE VOTE:** On final passage, April 17 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** For — Rick Briscoe, Open Carry Texas; (*Registered, but did not testify:* Rachel Malone, Gun Owners of America; Tara Mica, National Rifle Association; Fran Rhodes, NE Tarrant Tea Party; Mark Borskey, Texas State Rifle Association; and seven individuals)  
  
Against — (*Registered, but did not testify:* Molly Bursey, Rebecca Defelice, Misty Hower, and Hilary Whitfield, Moms Demand Action for Gun Sense in America; and 20 individuals)
- BACKGROUND:** Property Code sec. 202.001 defines a "dedicatory instrument" to mean each document governing the establishment, maintenance, or operation of a residential subdivision, planned unit development, condominium or townhouse regime, or any similar planned development. The term includes a declaration subjecting real property to restrictive covenants, bylaws, or similar instruments governing the administration or operation of a property owners' association or adopted rules and regulations of the association.
- DIGEST:** SB 741 would prohibit a property owners' association from including or enforcing a provision in a dedicatory instrument that prohibited, restricted, or had the effect of prohibiting or restricting any authorized person from lawfully possessing, transporting, or storing a firearm or ammunition.  
  
The association also could not include or enforce a provision in a

dedicatory instrument that prohibited, restricted, or had the effect of prohibiting or restricting the otherwise lawful discharge of a firearm.

The bill would take effect September 1, 2019.

**SUPPORTERS  
SAY:**

SB 741 would protect the Second Amendment rights of lawful gun owners who purchase homes in certain neighborhoods. By preventing property owners' associations from including or enforcing a prohibition on the possession, transportation, or storage of firearms in homes, the bill would preserve the residential right that is central to the Second Amendment, ensuring that gun rights were not unduly infringed upon.

**OPPONENTS  
SAY:**

SB 741 would remove the discretion of property owners' associations to make choices based on what was best for their particular communities.