

HB 104 -- SAFE STORAGE OF FIREARMS

SPONSOR: Ealy

This bill specifies that a person commits the offense of unlawful storage of a firearm if the person fails to responsibly and securely store a firearm upon any premises that the person owns or controls and the person knows or reasonably should know a child can gain access to the firearm without the permission of the child's parent or guardian, or knows or reasonably should know a cotenant is ineligible to possess a firearm under law.

Such responsible and secure storage includes, with the exception of a concealed or openly carried firearm in a secured holster, firearms that:

- (1) Are kept unloaded until ready to use;
- (2) Are securely stored in a manner that ensures the firearms are not accessible to unauthorized persons and unauthorized persons do not have access to any unlocking mechanism necessary for accessibility; and
- (3) Have a personalized firearm's safety characteristics activated.

The requirement for the responsible and secured storage of a firearm as specified in this bill will not apply to the storing of an antique firearm, as defined under 18 U.S.C. Section 921, or a curio or relic, as defined under 27 CFR 478.11.

The offense of unlawful storage of a firearm under the provisions of this bill is punishable by a \$500 fine for a first violation and punishable as a class B misdemeanor for a second or any subsequent violation. It is a defense to the offense of unlawful storage of a firearm if a child or cotenant gained possession of and used the firearm in a lawful act of self-defense, defense of others, or defense of livestock.

All firearms dealers must post in a conspicuous location on their premises a written notice that unlawful storage of a firearm may result in imprisonment or fine. A firearm dealer in violation of this provision may be punished by a warning for a first violation and a fine of not more than \$500 for a second or subsequent violation.

The Department of Public Safety must publish on its website, in both English and Spanish, information relating to the offense of

unlawful storage of a firearm as specified in this bill and related penalties.

This bill is the same as HB 2884 and HB 2577 (2024).