

By: Burns

H.B. No. 854

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the offense of unlawfully carrying a handgun by a license holder.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 46.035(g), Penal Code, is amended to read as follows:

(g) Except as otherwise provided by this subsection, an [An] offense under this section is a Class A misdemeanor. An offense under Subsection (b)(4), (b)(5), or (c) is a Class C misdemeanor punishable by a fine not to exceed \$200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given notice by oral communication under Section 30.06 or 30.07 that entry on the property was forbidden and subsequently failed to depart. An [ , unless the] offense [is committed] under Subsection (b)(1) or (b)(3)[ , in which event the offense] is a felony of the third degree.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred

1 before that date.

2 SECTION 3. This Act takes effect September 1, 2021.