

By: Oliverson

H.B. No. 1094

A BILL TO BE ENTITLED

1 AN ACT
2 relating to authorizing certain persons to carry a handgun without
3 a license.

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

5 SECTION 1. Section 46.15, Penal Code, is amended by adding
6 Subsection (m) to read as follows:

7 (m) Sections 46.02, 46.03(a)(1), (2), (3), (4), and (5), and
8 46.035(a), (a-1), (a-2), (a-3), (b)(1), (2), (4), and (5), and (c)
9 do not apply to a person who:

10 (1) is not prohibited under state or federal law from
11 possessing a firearm;

12 (2) is 18 years of age or older;

13 (3) is:

14 (A) protected under:

15 (i) a temporary restraining order or
16 temporary injunction issued under Subchapter F, Chapter 6, Family
17 Code;

18 (ii) a temporary ex parte order issued
19 under Chapter 83, Family Code;

20 (iii) a protective order issued under
21 Chapter 85, Family Code;

22 (iv) a protective order issued Chapter 7B,
23 Code of Criminal Procedure; or

24 (v) a magistrate's order for emergency

1 protection issued under Article 17.292, Code of Criminal Procedure;

2 (B) a member of the household or family of a
3 person protected under an order described by Paragraph (A); or

4 (C) a participant in the address confidentiality
5 program under Subchapter B, Chapter 58, Code of Criminal Procedure;

6 and

7 (4) carries:

8 (A) a handgun:

9 (i) in a concealed manner; or

10 (ii) in a shoulder or belt holster, unless
11 the person is on a premises described by Section 46.035(a-1); and

12 (B) documentation of the order or program
13 participation described by Subdivision (3).

14 SECTION 2. Section 11.61(e), Alcoholic Beverage Code, is
15 amended to read as follows:

16 (e) Except as provided by Subsection (f) or (i), the
17 commission or administrator shall cancel an original or renewal
18 permit if it is found, after notice and hearing, that the permittee
19 knowingly allowed a person to possess a firearm in a building on the
20 licensed premises. This subsection does not apply to a person:

21 (1) who holds a security officer commission issued
22 under Chapter 1702, Occupations Code, if:

23 (A) the person is engaged in the performance of
24 the person's duties as a security officer;

25 (B) the person is wearing a distinctive uniform;

26 and

27 (C) the weapon is in plain view;

- 1 (2) who is a peace officer;
- 2 (3) who is a permittee or an employee of a permittee if
- 3 the person is supervising the operation of the premises; ~~[or]~~
- 4 (4) who possesses a handgun the person is licensed to
- 5 carry under Subchapter H, Chapter 411, Government Code, unless the
- 6 person is on the premises of a business described by Section
- 7 46.035(b)(1), Penal Code; or
- 8 (5) who possesses a handgun and is a person described
- 9 by Section 46.15(m), Penal Code.

10 SECTION 3. Section 61.71(f), Alcoholic Beverage Code, is

11 amended to read as follows:

12 (f) Except as provided by Subsection (g) or (j), the

13 commission or administrator shall cancel an original or renewal

14 dealer's on-premises or off-premises license if it is found, after

15 notice and hearing, that the licensee knowingly allowed a person to

16 possess a firearm in a building on the licensed premises. This

17 subsection does not apply to a person:

18 (1) who holds a security officer commission issued

19 under Chapter 1702, Occupations Code, if:

20 (A) the person is engaged in the performance of

21 the person's duties as a security officer;

22 (B) the person is wearing a distinctive uniform;

23 and

24 (C) the weapon is in plain view;

25 (2) who is a peace officer;

26 (3) who is a licensee or an employee of a licensee if

27 the person is supervising the operation of the premises; ~~[or]~~

1 (4) who possesses a handgun the person is licensed to
2 carry under Subchapter H, Chapter 411, Government Code, unless the
3 person is on the premises of a business described by Section
4 46.035(b)(1), Penal Code; or

5 (5) who possesses a handgun and is a person described
6 by Section 46.15(m), Penal Code.

7 SECTION 4. The changes in law made by this Act apply only to
8 an offense committed on or after the effective date of this Act. An
9 offense committed before the effective date of this Act is governed
10 by the law in effect on the date the offense was committed, and the
11 former law is continued in effect for that purpose. For purposes of
12 this section, an offense was committed before the effective date of
13 this Act if any element of the offense occurred before that date.

14 SECTION 5. This Act takes effect September 1, 2021.