

By: Anchia

H.B. No. 1770

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain municipalities to regulate locations at which a license holder may openly carry a handgun.

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

SECTION 1. Section 229.001, Local Government Code, is amended by adding Subsection (b-2) to read as follows:

(b-2) Subsection (a) does not affect the authority of a municipality under Section 229.005 to regulate the open carrying of a handgun as provided by that section.

SECTION 2. Subchapter A, Chapter 229, Local Government Code, is amended by adding Section 229.005 to read as follows:

Sec. 229.005. REGULATION OF OPEN CARRYING OF HANDGUN BY CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality with a population of more than 750,000.

(b) The governing body of a municipality described by Subsection (a) shall order an election to be held on the question of whether to prohibit a license holder under Subchapter H, Chapter 411, Government Code, from carrying a wholly or partially visible handgun within the corporate boundaries of the municipality if a petition requesting the election is submitted to the governing body and is signed by a number of registered voters of the municipality equal to at least 10 percent of the number of voters participating in the last general election held in the municipality.

(c) An election under this section must be held on the first

1 authorized uniform election date prescribed by Chapter 41, Election
2 Code, that occurs after the date the election is ordered and that
3 allows sufficient time to comply with other requirements of law.

4 (d) The ballot in an election under this section shall be
5 printed to provide for voting for or against the proposition:
6 "Prohibiting a handgun license holder from openly carrying a
7 handgun within the city limits of _____ (name of
8 municipality)."

9 (e) If a majority of those voting at the election vote in
10 favor of the proposition, the governing body of the municipality
11 shall adopt an ordinance prohibiting a handgun license holder from
12 carrying a wholly or partially visible handgun within the corporate
13 boundaries of the municipality.

14 SECTION 3. Section 46.035, Penal Code, is amended by adding
15 Subsection (n) to read as follows:

16 (n) The exception provided by Subsection (a) is not
17 available to a license holder who is carrying a partially or wholly
18 visible handgun in a municipality with an ordinance that was
19 adopted under Section 229.005, Local Government Code, and is in
20 effect at the time of the offense.

21 SECTION 4. The change in law made by this Act in adding
22 Section 46.035(n), Penal Code, applies only to an offense committed
23 on or after the effective date of this Act. An offense committed
24 before the effective date of this Act is governed by the law in
25 effect on the date the offense was committed, and the former law is
26 continued in effect for that purpose. For purposes of this section,
27 an offense was committed before the effective date of this Act if

1 any element of the offense occurred before that date.

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