

By: Ortega

H.B. No. 216

A BILL TO BE ENTITLED

AN ACT

relating to the unlawful carrying of certain firearms; creating a criminal offense.

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

SECTION 1. Section 46.02, Penal Code, is amended by adding Subsection (a-9) to read as follows:

(a-9) A person commits an offense if the person:

(1) intentionally, knowingly, or recklessly carries on or about his or her person a firearm other than a handgun at any time in which the firearm is in plain view; and

(2) is not:

(A) on the person's own premises or premises under the person's control;

(B) inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control; or

(C) on privately owned real property with the effective consent of the owner of the real property.

SECTION 2. Sections 46.15(j), (k), and (l), Penal Code, are amended to read as follows:

(j) The provisions of Sections 46.02 and 46.03(a)(7), (a-2), (a-3), and (a-4) do not apply to an individual who carries a firearm [~~handgun~~] as a participant in a historical reenactment performed in accordance with the rules of the Texas Alcoholic

1 Beverage Commission.

2 (k) Section 46.02 does not apply to a person who carries a  
3 firearm [~~handgun~~] if:

4 (1) the person carries the firearm [~~handgun~~] while:

5 (A) evacuating from an area following the  
6 declaration of a state of disaster under Section 418.014,  
7 Government Code, or a local state of disaster under Section  
8 418.108, Government Code, with respect to that area; or

9 (B) reentering that area following the person's  
10 evacuation;

11 (2) not more than 168 hours have elapsed since the  
12 state of disaster or local state of disaster was declared, or more  
13 than 168 hours have elapsed since the time the declaration was made  
14 and the governor has extended the period during which a person may  
15 carry a firearm [~~handgun~~] under this subsection; and

16 (3) the person is not prohibited by state or federal  
17 law from possessing a firearm.

18 (1) Sections 46.02 and 46.03(a)(1), (a)(2), (a)(3), and  
19 (a)(4) do not apply to a person who carries a firearm [~~handgun~~] if:

20 (1) the person carries the firearm [~~handgun~~] on the  
21 premises, as defined by the statute providing the applicable  
22 offense, of a location operating as an emergency shelter during a  
23 state of disaster declared under Section 418.014, Government Code,  
24 or a local state of disaster declared under Section 418.108,  
25 Government Code;

26 (2) the owner, controller, or operator of the premises  
27 or a person acting with the apparent authority of the owner,

1 controller, or operator, authorized the carrying of the firearm  
2 [~~handgun~~];

3           (3) the person carrying the firearm [~~handgun~~] complies  
4 with any rules and regulations of the owner, controller, or  
5 operator of the premises that govern the carrying of a firearm  
6 [~~handgun~~] on the premises; and

7           (4) the person is not prohibited by state or federal  
8 law from possessing a firearm.

9           SECTION 3. This Act takes effect September 1, 2023.