

By: Schatzline

H.B. No. 1908

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of a handgun while intoxicated and to the possession or carrying of a handgun by a license holder in certain locations selling or serving alcoholic beverages.

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

SECTION 1. Section 46.01, Penal Code, is amended by adding Subdivision (21) to read as follows:

(21) "Intoxicated" has the meaning assigned by Section 49.01.

SECTION 2. Section 46.03, Penal Code, is amended by amending Subsection (g-2) and adding Subsection (j) to read as follows:

(g-2) An offense committed under Subsection (a)(8), (a)(10), (a)(11), (a)(13), (a-2), (a-3), or (a-4) is a Class A misdemeanor. An offense committed under Subsection (a)(7) is a Class A misdemeanor if the actor:

(1) commits the offense by possessing or carrying a handgun that the actor is licensed to carry under Subchapter H, Chapter 411, Government Code, and not any other weapon to which this section applies; and

(2) is intoxicated at the time of the offense.

(j) It is a defense to prosecution under Subsection (a)(7) that the actor:

(1) possesses or carries a handgun that the actor is

1 licensed to carry under Subchapter H, Chapter 411, Government Code,  
2 and not any other weapon to which this section applies; and

3 (2) is not intoxicated while possessing or carrying  
4 the handgun in the location described by Subsection (a)(7).

5 SECTION 3. The change in law made by this Act applies only  
6 to an offense committed on or after the effective date of this Act.  
7 An offense committed before the effective date of this Act is  
8 governed by the law in effect on the date the offense was committed,  
9 and the former law is continued in effect for that purpose. For  
10 purposes of this section, an offense was committed before the  
11 effective date of this Act if any element of the offense occurred  
12 before that date.

13 SECTION 4. This Act takes effect September 1, 2025.