

## **BILL ANALYSIS**

H.B. 878  
By: Hupp  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The 74th Legislature passed the concealed handgun law and at the time rejected floor amendments that banned carrying by license holders in public buildings. A recent attorney general opinion states that the power to regulate firearms on certain property or premises, except as otherwise provided by federal law, is granted solely to the state legislature, not to political subdivisions. In recent years, a variety of political subdivisions have implemented ordinances, policies, or rules to prohibit the licensed carrying of handguns onto property or premises under control of that entity. House Bill 878 attempts to clarify the law by amending Sections 30.05 and 30.06 of the Penal Code so that the governmental entities' posting of signs that ban firearms and its' prohibiting the carrying of a handgun onto its' property does not apply to concealed handgun licensees. Concealed handgun licensees would still be prohibited from carrying a handgun in the locations listed in 46.03 and 46.035 of the Penal Code.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

House Bill 878 amends Sections 30.05 and 30.06 of the Penal Code to clarify that persons who are carrying a concealed handgun and are licensed to do so under Subchapter H, Chapter 411 of the Government Code, may not be prohibited entry onto property or land owned or leased by a governmental entity on the basis that the person was prohibited from entry because a handgun was forbidden, with the exception that license holders are still prohibited from carrying handguns at the places noted in Sections 46.03 and 46.035 of the Penal Code.

### **EFFECTIVE DATE**

September 1, 2003.