

BILL ANALYSIS

C.S.S.B. 501
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current Texas law regarding concealed handgun licenses lacks clarifying language regarding where a license holder may lawfully carry a handgun. C.S.S.B. 501 provides uniformity and consistency in Texas' concealed handgun license law for both licensees and law enforcement.

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

C.S.S.B. 501 amends the Penal Code to provide that, as a defense to prosecution of criminal trespass, the basis on which entry on the property or land or in the building was forbidden is that entry with a handgun was forbidden and the person was carrying a concealed handgun and a license to do so. The bill provides that it is an exception to provisions governing criminal trespass by a license holder when a license holder carries a handgun on a property owned or leased by a governmental entity and does not constitute premises of property described by Section 46.03 (Places Weapons Prohibited) or 46.035 (Unlawful Carrying of Handgun by License Holder).

The bill also provides that a person commits an offense if the person possesses certain weapons on the premises of any government court or offices utilized by the court, rather than in any government court or office utilized by the court, unless pursuant to written regulations or authorization.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the engrossed bill in SECTION 1, by deleting proposed Section 30.05(g). It also differs by adding "or in the building" to Section 30.05(f)(1) after "or land."

The substitute also differs from the engrossed bill in proposed Section 30.06(e) by deleting "does not constitute premises of property described by 46.03 and 46.035. For purposes of this subsection, 'premises' has the meaning assigned by Section 46.035 (f)(3)." It is replaced with "is not a premises or other place on which a license holder is prohibited from carrying the handgun under Section 46.03 and 46.035." The substitute also deletes proposed Section 30.06(f).