

By: Isett, Hupp, Hamilton, Ellis

H.B. No. 819

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of the offense of unlawfully carrying a
3 handgun, illegal knife, or club.

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

5 SECTION 1. Section 46.15(b), Penal Code, as amended by
6 Chapters 1221 and 1261, Acts of the 75th Legislature, Regular
7 Session, 1997, is amended to read as follows:

8 (b) It is an exception to the application of Section 46.02
9 that the [~~does not apply to a~~] person [~~who~~]:

10 (1) is in the actual discharge of official duties as a
11 member of the armed forces or state military forces as defined by
12 Section 431.001, Government Code, or as a guard employed by a penal
13 institution;

14 (2) is on the person's own premises or premises under
15 the person's control unless the person is an employee or agent of
16 the owner of the premises and the person's primary responsibility
17 is to act in the capacity of a security guard to protect persons or
18 property, in which event the person must comply with Subdivision
19 (5);

20 (3) is traveling;

21 (4) is engaging in lawful hunting, fishing, or other
22 sporting activity on the immediate premises where the activity is
23 conducted, or is en route between the premises and the actor's
24 residence, if the weapon is a type commonly used in the activity;

1 (5) holds a security officer commission issued by the
2 Texas Board of Private Investigators and Private Security Agencies,
3 if:

4 (A) the person is engaged in the performance of
5 the person's duties as a security officer or traveling to and from
6 the person's place of assignment;

7 (B) the person is wearing a distinctive uniform;
8 and

9 (C) the weapon is in plain view;

10 (6) is carrying a concealed handgun and a valid
11 license issued under Subchapter H, Chapter 411, Government Code
12 [~~Article 4413(29cc), Revised Statutes~~], to carry a concealed
13 handgun of the same category as the handgun the person is carrying;

14 (7) holds a security officer commission and a personal
15 protection authorization issued by the Texas Board of Private
16 Investigators and Private Security Agencies and who is providing
17 personal protection under Chapter 1702, Occupations Code [~~the~~
18 ~~Private Investigators and Private Security Agencies Act (Article~~
19 ~~4413(29bb), Vernon's Texas Civil Statutes)~~]; or

20 (8) holds an alcoholic beverage permit or license or
21 is an employee of a holder of an alcoholic beverage permit or
22 license if the person is supervising the operation of the permitted
23 or licensed premises.

24 SECTION 2. (a) The change in law made by this Act applies
25 only to an offense committed on or after the effective date of this
26 Act. For purposes of this section, an offense is committed before
27 the effective date of this Act if any element of the offense occurs

1 before the effective date.

2 (b) An offense committed before the effective date of this
3 Act is covered by the law in effect when the offense was committed,
4 and the former law is continued in effect for that purpose.

5 SECTION 3. This Act takes effect September 1, 2003.