

BILL ANALYSIS

C.S.H.B. 1549

By: Alonzo

Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, businesses who hold an alcoholic beverage license are required to display, in a prominent place on the permit holder's premises, a sign giving notice that it is unlawful for a person to carry a weapon on the premises unless the weapon is a concealed handgun of the same category and that person is licensed to carry a weapon under Subchapter H, Chapter 411, Government Code. The law is not clear if the sign applies also to police officers who under law can carry a weapon at such establishments.

C.S.H.B. 1549 adds language to current statute stating that the prohibition against carrying a weapon does not apply to peace officers or certain other persons who, under Section 46.15 of the Penal Code, are exempt from the prohibition.

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.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.041 (a), Alcoholic Beverage Code, to require that the license holder's sign, giving notice that it is unlawful to carry a weapon on the premises, indicates that the prohibition does not apply to peace officers or honorably retired peace officers who, under Section 46.15, Penal Code, or other law, are exempt from the prohibition.

SECTION 2. Amends Section 61.11 (a), Alcoholic Beverage Code, to require that the license holder's sign, giving notice that it is unlawful to carry a weapon on the premises, indicate that the prohibition does not apply to peace officers or honorably retired peace officers who, under Section 46.15, Penal Code, or other law, are exempt from the prohibition.

SECTION 3. Amends Section 411.204 (c), Government Code, to require that the license holder's sign, giving notice that it is unlawful to carry a weapon on the premises, indicate that the prohibition does not apply to peace officers or honorably retired peace officers who, under Section 46.15, Penal Code, or other law, are exempt from the prohibition.

SECTION 4. Amends Section 30.06, Penal Code, by amending Subsection (c) and adding Subsection (f), as follows:

(c)(3)(A) Providing that "written communication" means a card or other document on which is written language identical to the following: "Pursuant to Section 30.06, Penal Code, a person licensed under Subchapter H, Chapter 411, Government Code, may not enter this property with a concealed handgun. This prohibition does not apply to peace officers or honorable retired peace officers."

(f) Provides that it is an exception to the application of this section that the license holder is a peace officer or honorably retired peace officer exempted by Section 46.15 or other law from certain restrictions on the carrying of handguns.

SECTION 5. Effective date: September 1, 2005.

C.S.H.B. 1549 79(R)

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1549 modifies the original by providing that "written communication" language include a provision exempting peace officers and retired peace officers from the ban on concealed handguns on certain premises.