

BILL ANALYSIS

H.B. 1813
By: Pickett
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, persons participating in historical reenactments of the Old West are not allowed to possess weapons of the time period on the premises of an alcoholic beverage license or permit holder under the Texas Alcoholic Beverage Code.

H.B. 1813 allows the possession of firearms on the premises of an alcoholic beverage license or permit holder under the Texas Alcoholic Beverage Code for the purposes of historical reenactments.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Alcoholic Beverage Commission in SECTION 1 (Section 11.61, Alcoholic Beverage Code), SECTION 2 (Section 61.71, Alcoholic Beverage Code) and SECTION 5 (Section 11.61 (i) and Section 61.71 (j), Alcoholic Beverage Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.61, Alcoholic Beverage Code, by amending Subsection (e) and adding Subsection (i), as follows:

(e) Provides that except as provided by Subsection (f) or (i), the commission or administrator is required to cancel an original or renewal permit if it is found, after notice and hearing, that the permittee knowingly allowed a person to possess a firearm in a building on the licensed premises.

(i) Requires the commission to adopt rules allowing a historical reenactment on the premises of a permit holder.

SECTION 2. Amends Section 61.71, Alcoholic Beverage Code, by amending Subsection (f) and adding Subsection (j), as follows:

(f) Provides that except as provided by Subsection (g) or (j), the commission or administrator is required to cancel an original or renewal dealer's on-premises or off-premises license if it is found, after notice and hearing, that the licensee knowingly allowed a person to possess a firearm in a building on the licensed premises.

(j) Requires the commission to adopt rules allowing a historical reenactment on the premises of a license holder.

SECTION 3. Amends Section 46.035, Penal Code, by adding Subsection (j), providing that Subsections (a) and (b) (1) do not apply to a historical reenactment performed in compliance with the rules of the Texas Alcoholic Beverage Commission.

SECTION 4. Amends Section 46.15, Penal Code, by adding Subsection (i), providing that provisions of Section 46.02 prohibiting the carrying of a handgun do not apply to an individual who carries a handgun as a participant in a historical reenactment performed in accordance with the rules of the Texas Alcoholic Beverage Commission.

SECTION 5. (a) Requires the Alcoholic Beverage Commission to adopt rules under Sections 11.61 (i) and 61.71 (j), Alcoholic Beverage Code, no later than January 1, 2006.

(b) Application of Act: Provides that Section 3 and 4 of this Act apply only to offenses committed on or after the effective date of the Act. Provides that this Act is only effective for offenses where all elements of the offense occurred on or after the effective date of this Act.

SECTION 6. September 1, 2005.

EFFECTIVE DATE

September 1, 2005.