

AN ACT

relating to historical reenactments on premises permitted or licensed under the Alcoholic Beverage Code.

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

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

(e) Except as provided by Subsection (f) or (i), the commission or administrator shall 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. This subsection does not apply to a person:

(1) who holds a security officer commission issued under Chapter 1702, Occupations Code, if:

(A) the person is engaged in the performance of the person's duties as a security officer;

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

(C) the weapon is in plain view;

(2) who is a peace officer;

(3) who is a permittee or an employee of a permittee if the person is supervising the operation of the premises; or

(4) who possesses a concealed handgun of the same category the person is licensed to carry under Subchapter H,

Chapter 411, Government Code, unless the person is on the premises of a business described by Section 46.035(b)(1), Penal Code.

(i) The commission shall adopt rules allowing a historical reenactment on the premises of a permit holder. Rules adopted under this subsection must prohibit the use of live ammunition in a historical reenactment.

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

(f) Except as provided by Subsection (g) or (j), the commission or administrator shall 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. This subsection does not apply to a person:

(1) who holds a security officer commission issued under Chapter 1702, Occupations Code, if:

(A) the person is engaged in the performance of the person's duties as a security officer;

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

(C) the weapon is in plain view;

(2) who is a peace officer;

(3) who is a licensee or an employee of a licensee if the person is supervising the operation of the premises; or

(4) who possesses a concealed handgun of the same category the person is licensed to carry under Subchapter H,

1 Chapter 411, Government Code, unless the person is on the premises
2 of a business described by Section 46.035(b)(1), Penal Code.

3 (j) The commission shall adopt rules allowing a historical
4 reenactment on the premises of a license holder. Rules adopted
5 under this subsection must prohibit the use of live ammunition in a
6 historical reenactment.

7 SECTION 3. Section 46.035, Penal Code, is amended by adding
8 Subsection (j) to read as follows:

9 (j) Subsections (a) and (b)(1) do not apply to a historical
10 reenactment performed in compliance with the rules of the Texas
11 Alcoholic Beverage Commission.

12 SECTION 4. Section 46.15, Penal Code, is amended by adding
13 Subsection (i) to read as follows:

14 (i) The provisions of Section 46.02 prohibiting the
15 carrying of a handgun do not apply to an individual who carries a
16 handgun as a participant in a historical reenactment performed in
17 accordance with the rules of the Texas Alcoholic Beverage
18 Commission.

19 SECTION 5. (a) The Alcoholic Beverage Commission shall
20 adopt rules under Sections 11.61(i) and 61.71(j), Alcoholic
21 Beverage Code, as added by this Act, not later than January 1, 2006.

22 (b) The change in law made by Sections 3 and 4 of this Act
23 applies only to an offense committed on or after the effective date
24 of this Act. For purposes of this section, an offense is committed
25 before the effective date of this Act if any element of the offense
26 occurs before that date. An offense committed before the effective
27 date of this Act is covered by the law in effect when the offense was

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1 committed, and the former law is continued in effect for that
2 purpose.

3 SECTION 6. This Act takes effect September 1, 2005.

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President of the Senate

Speaker of the House

I certify that H.B. No. 1813 was passed by the House on April 22, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1813 on May 26, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1813 was passed by the Senate, with amendments, on May 24, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor