

By: Pickett

H.B. No. 1813

A BILL TO BE ENTITLED

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.

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

1 (j) The commission shall adopt rules allowing a historical
2 reenactment on the premises of a license holder.

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

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

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

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

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

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

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