

1-1 By: Pickett (Senate Sponsor - Madla) H.B. No. 1813
1-2 (In the Senate - Received from the House April 25, 2005;
1-3 April 26, 2005, read first time and referred to Committee on
1-4 Criminal Justice; May 16, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 16, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1813 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to historical reenactments on premises permitted or
1-11 licensed under the Alcoholic Beverage Code.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 11.61, Alcoholic Beverage Code, is
1-14 amended by amending Subsection (e) and adding Subsection (i) to
1-15 read as follows:

1-16 (e) Except as provided by Subsection (f) or (i), the
1-17 commission or administrator shall cancel an original or renewal
1-18 permit if it is found, after notice and hearing, that the permittee
1-19 knowingly allowed a person to possess a firearm in a building on the
1-20 licensed premises. This subsection does not apply to a person:

1-21 (1) who holds a security officer commission issued
1-22 under Chapter 1702, Occupations Code, if:

1-23 (A) the person is engaged in the performance of
1-24 the person's duties as a security officer;

1-25 (B) the person is wearing a distinctive uniform;
1-26 and

1-27 (C) the weapon is in plain view;

1-28 (2) who is a peace officer;

1-29 (3) who is a permittee or an employee of a permittee if
1-30 the person is supervising the operation of the premises; or

1-31 (4) who possesses a concealed handgun of the same
1-32 category the person is licensed to carry under Subchapter H,
1-33 Chapter 411, Government Code, unless the person is on the premises
1-34 of a business described by Section 46.035(b)(1), Penal Code.

1-35 (i) The commission shall adopt rules allowing a historical
1-36 reenactment on the premises of a permit holder. Rules adopted under
1-37 this subsection must prohibit the use of live ammunition in a
1-38 historical reenactment.

1-39 SECTION 2. Section 61.71, Alcoholic Beverage Code, is
1-40 amended by amending Subsection (f) and adding Subsection (j) to
1-41 read as follows:

1-42 (f) Except as provided by Subsection (g) or (j), the
1-43 commission or administrator shall cancel an original or renewal
1-44 dealer's on-premises or off-premises license if it is found, after
1-45 notice and hearing, that the licensee knowingly allowed a person to
1-46 possess a firearm in a building on the licensed premises. This
1-47 subsection does not apply to a person:

1-48 (1) who holds a security officer commission issued
1-49 under Chapter 1702, Occupations Code, if:

1-50 (A) the person is engaged in the performance of
1-51 the person's duties as a security officer;

1-52 (B) the person is wearing a distinctive uniform;
1-53 and

1-54 (C) the weapon is in plain view;

1-55 (2) who is a peace officer;

1-56 (3) who is a licensee or an employee of a licensee if
1-57 the person is supervising the operation of the premises; or

1-58 (4) who possesses a concealed handgun of the same
1-59 category the person is licensed to carry under Subchapter H,
1-60 Chapter 411, Government Code, unless the person is on the premises
1-61 of a business described by Section 46.035(b)(1), Penal Code.

1-62 (j) The commission shall adopt rules allowing a historical
1-63 reenactment on the premises of a license holder. Rules adopted

under this subsection must prohibit the use of live ammunition in a historical reenactment.

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

(j) 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. Section 46.15, Penal Code, is amended by adding Subsection (i) to read as follows:

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

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

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

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