

By: Isett

H.B. No. 1815

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of certain offenses that involve carrying weapons on a person's property or in a person's vehicle.

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

SECTION 1. Section 46.02, Penal Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) A person commits an offense if the person ~~[he]~~ intentionally, knowingly, or recklessly carries on or about his or her person a handgun, illegal knife, or club if the person is not:

(1) on the person's own premises or premises under the person's control; or

(2) inside of or directly en route to a motor vehicle that is owned by the person or under the person's control.

(a-1) A person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun in a motor vehicle that is owned by the person or under the person's control at any time in which:

(1) the handgun is in plain view; or

(2) the person is:

(A) engaged in criminal activity, other than a Class C misdemeanor that is a violation of a law or ordinance regulating traffic;

(B) prohibited by law from possessing a firearm;

1 or

2 (C) a member of a criminal street gang, as
3 defined by Section 71.01.

4 (a-2) For purposes of this section, "premises" includes
5 real property and a recreational vehicle that is being used as
6 living quarters, regardless of whether that use is temporary or
7 permanent. In this subsection, "recreational vehicle" means a motor
8 vehicle primarily designed as temporary living quarters or a
9 vehicle that contains temporary living quarters and is designed to
10 be towed by a motor vehicle. The term includes a travel trailer,
11 camping trailer, truck camper, motor home, and horse trailer with
12 living quarters.

13 SECTION 2. Section 46.15(b), Penal Code, as amended by
14 Chapters 1221 and 1261, Acts of the 75th Legislature, Regular
15 Session, 1997, is reenacted and amended to read as follows:

16 (b) Section 46.02 does not apply to a person who:

17 (1) is in the actual discharge of official duties as a
18 member of the armed forces or state military forces as defined by
19 Section 431.001, Government Code, or as a guard employed by a penal
20 institution;

21 ~~(2) [is on the person's own premises or premises under~~
22 ~~the person's control unless the person is an employee or agent of~~
23 ~~the owner of the premises and the person's primary responsibility~~
24 ~~is to act in the capacity of a security guard to protect persons or~~
25 ~~property, in which event the person must comply with Subdivision~~
26 ~~(5),~~

27 ~~[(3)]~~ is traveling;

1 (3) [~~(4)~~] is engaging in lawful hunting, fishing, or
2 other sporting activity on the immediate premises where the
3 activity is conducted, or is en route between the premises and the
4 actor's residence or motor vehicle, if the weapon is a type commonly
5 used in the activity;

6 (4) [~~(5)~~] holds a security officer commission issued
7 by the Texas [~~Board of Private Investigators and~~] Private Security
8 Board [~~Agencies~~], if:

9 (A) the person is engaged in the performance of
10 the person's duties as a security officer or traveling to and from
11 the person's place of assignment;

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

14 (C) the weapon is in plain view;

15 (5) [~~(6)~~] is carrying a concealed handgun and a valid
16 license issued under Subchapter H, Chapter 411, Government Code
17 [~~Article 4413(29cc), Revised Statutes~~], to carry a concealed
18 handgun of the same category as the handgun the person is carrying;

19 (6) [~~(7)~~] holds a security officer commission and a
20 personal protection officer authorization issued by the Texas
21 [~~Board of Private Investigators and~~] Private Security Board
22 [~~Agencies~~] and [~~who~~] is providing personal protection under Chapter
23 1702, Occupations Code [~~the Private Investigators and Private~~
24 ~~Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil~~
25 ~~Statutes)~~]; or

26 (7) [~~(8)~~] holds an alcoholic beverage permit or
27 license or is an employee of a holder of an alcoholic beverage

1 permit or license if the person is supervising the operation of the
2 permitted or licensed premises.

3 SECTION 3. Section 46.15(h), Penal Code, is amended to read
4 as follows:

5 (h) For the purpose of Subsection (b)(2), "premises" has the
6 meaning assigned by Section 46.02(a-2) [~~includes a recreational~~
7 ~~vehicle that is being used by the person carrying the handgun,~~
8 ~~illegal knife, or club as living quarters, regardless of whether~~
9 ~~that use is temporary or permanent. In this subsection,~~
10 ~~"recreational vehicle" means a motor vehicle primarily designed as~~
11 ~~temporary living quarters or a vehicle that contains temporary~~
12 ~~living quarters and is designed to be towed by a motor vehicle. The~~
13 ~~term includes a travel trailer, camping trailer, truck camper,~~
14 ~~motor home, and horse trailer with living quarters].~~

15 SECTION 4. The change in law made by this Act applies only
16 to an offense committed on or after the effective date of this Act.
17 An offense committed before the effective date of this Act is
18 governed by the law in effect when the offense was committed, and
19 the former law is continued in effect for that purpose. For
20 purposes of this section, an offense was committed before the
21 effective date of this Act if any element of the offense was
22 committed before that date.

23 SECTION 5. This Act takes effect September 1, 2007.