

1-1 By: Isett, et al. (Senate Sponsor - Hinojosa) H.B. No. 1815
1-2 (In the Senate - Received from the House May 14, 2007;
1-3 May 15, 2007, read first time and referred to Committee on Criminal
1-4 Justice; May 18, 2007, reported favorably by the following vote:
1-5 Yeas 5, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the prosecution of certain offenses that involve
1-9 carrying weapons on a person's property or in a person's vehicle.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 46.02, Penal Code, is amended by
1-12 amending Subsection (a) and adding Subsections (a-1) and (a-2) to
1-13 read as follows:

1-14 (a) A person commits an offense if the person [he]
1-15 intentionally, knowingly, or recklessly carries on or about his or
1-16 her person a handgun, illegal knife, or club if the person is not:

1-17 (1) on the person's own premises or premises under the
1-18 person's control; or

1-19 (2) inside of or directly en route to a motor vehicle
1-20 that is owned by the person or under the person's control.

1-21 (a-1) A person commits an offense if the person
1-22 intentionally, knowingly, or recklessly carries on or about his or
1-23 her person a handgun in a motor vehicle that is owned by the person
1-24 or under the person's control at any time in which:

1-25 (1) the handgun is in plain view; or

1-26 (2) the person is:

1-27 (A) engaged in criminal activity, other than a
1-28 Class C misdemeanor that is a violation of a law or ordinance
1-29 regulating traffic;

1-30 (B) prohibited by law from possessing a firearm;
1-31 or

1-32 (C) a member of a criminal street gang, as
1-33 defined by Section 71.01.

1-34 (a-2) For purposes of this section, "premises" includes
1-35 real property and a recreational vehicle that is being used as
1-36 living quarters, regardless of whether that use is temporary or
1-37 permanent. In this subsection, "recreational vehicle" means a motor
1-38 vehicle primarily designed as temporary living quarters or a
1-39 vehicle that contains temporary living quarters and is designed to
1-40 be towed by a motor vehicle. The term includes a travel trailer,
1-41 camping trailer, truck camper, motor home, and horse trailer with
1-42 living quarters.

1-43 SECTION 2. Section 46.15(b), Penal Code, as amended by
1-44 Chapters 1221 and 1261, Acts of the 75th Legislature, Regular
1-45 Session, 1997, is reenacted and amended to read as follows:

1-46 (b) Section 46.02 does not apply to a person who:

1-47 (1) is in the actual discharge of official duties as a
1-48 member of the armed forces or state military forces as defined by
1-49 Section 431.001, Government Code, or as a guard employed by a penal
1-50 institution;

1-51 (2) ~~[is on the person's own premises or premises under~~
1-52 ~~the person's control unless the person is an employee or agent of~~
1-53 ~~the owner of the premises and the person's primary responsibility~~
1-54 ~~is to act in the capacity of a security guard to protect persons or~~
1-55 ~~property, in which event the person must comply with Subdivision~~
1-56 ~~(5);~~

1-57 ~~[(3)] is traveling;~~

1-58 (3) ~~[(4)]~~ is engaging in lawful hunting, fishing, or
1-59 other sporting activity on the immediate premises where the
1-60 activity is conducted, or is en route between the premises and the
1-61 actor's residence or motor vehicle, if the weapon is a type commonly
1-62 used in the activity;

1-63 (4) ~~[(5)]~~ holds a security officer commission issued
1-64 by the Texas ~~[Board of Private Investigators and]~~ Private Security

2-1 Board [Agencies], if:

2-2 (A) the person is engaged in the performance of
2-3 the person's duties as a security officer or traveling to and from
2-4 the person's place of assignment;

2-5 (B) the person is wearing a distinctive uniform;
2-6 and

2-7 (C) the weapon is in plain view;

2-8 (5) [~~6~~] is carrying a concealed handgun and a valid
2-9 license issued under Subchapter H, Chapter 411, Government Code
2-10 [~~Article 4413(29cc), Revised Statutes~~], to carry a concealed
2-11 handgun of the same category as the handgun the person is carrying;

2-12 (6) [~~7~~] holds a security officer commission and a
2-13 personal protection officer authorization issued by the Texas
2-14 [~~Board of Private Investigators and~~] Private Security Board
2-15 [~~Agencies~~] and [~~who~~] is providing personal protection under Chapter
2-16 1702, Occupations Code [the Private Investigators and Private
2-17 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
2-18 Statutes)]; or

2-19 (7) [~~8~~] holds an alcoholic beverage permit or
2-20 license or is an employee of a holder of an alcoholic beverage
2-21 permit or license if the person is supervising the operation of the
2-22 permitted or licensed premises.

2-23 SECTION 3. The following provisions are repealed:

2-24 (1) Section 46.15(h), Penal Code; and

2-25 (2) Section 46.15(i), Penal Code, as added by Chapter
2-26 288, Acts of the 79th Legislature, Regular Session, 2005.

2-27 SECTION 4. The change in law made by this Act applies only
2-28 to an offense committed on or after the effective date of this Act.
2-29 An offense committed before the effective date of this Act is
2-30 governed by the law in effect when the offense was committed, and
2-31 the former law is continued in effect for that purpose. For
2-32 purposes of this section, an offense was committed before the
2-33 effective date of this Act if any element of the offense was
2-34 committed before that date.

2-35 SECTION 5. This Act takes effect September 1, 2007.

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