

BILL ANALYSIS

H.B. 2664
By: Ritter
Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the holder of a wine and beer retailer's permit, a mixed beverage permit, a private club permit, or a retail dealer's on premise or brewpub permit is required to post notice of a prohibition against carrying a concealed handgun on the premises if 51 percent or more of the establishment's income is derived from the sale of alcohol. The sign must be prominently displayed and give notice in both English and Spanish that it is unlawful for a licensed handgun owner to carry a handgun on the premises. It must appear in contrasting colors with block letters at least one inch in height and must include on its face the number "51" printed in solid red at least five inches in height.

It is a third degree felony to carry a handgun onto the premises of a business required to post such notice, regardless of whether the business posts the notice. A felony of the third degree is punishable by up to ten and no less than two years imprisonment, as well as a fine up to \$10,000.

Law abiding handgun owners are accustomed to seeing the notice posted at businesses in which they are not permitted to carry their handgun. If a business fails to post the notice, license holders have no way of knowing whether 51 percent of an establishment's income is derived from the sale of alcohol, and may believe otherwise if the required notice is not posted and may become liable for severe penalties.

H.B. 2664 creates a defense to prosecution for the offense of unlawfully carrying a handgun on certain premises that the handgun license holder was not given effective notice of such a prohibition.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2664 amends the Penal Code to create a defense to prosecution for the offense of unlawful carrying of a handgun by a license holder on the premises of a business that holds a certain alcoholic beverage license or permit that the license holder was not given effective notice of a prohibition against carrying a handgun on the premises.

EFFECTIVE DATE

September 1, 2009.