

BILL ANALYSIS

C.S.H.B. 1530
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are various premises on which handguns may not be carried by concealed handgun license holders, regardless of whether the handgun is concealed. Interested parties note that there is a defense to prosecution for certain persons in positions of authority, such as judges and district attorneys, who carry a handgun on specified premises in violation of the law. The parties contend that legislation is required to extend this defense to other persons in similar positions of authority. C.S.H.B. 1530 seeks to change statutes relating to the application of certain concealed handgun license laws to county commissioners attending a meeting of the commissioners court.

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

C.S.H.B. 1530 amends the Penal Code to establish a defense to prosecution for the offense of unlawful carrying of a handgun by a concealed handgun license holder involving intentionally, knowingly, or recklessly carrying a handgun, regardless of whether the handgun is concealed, at any meeting of a governmental entity if the actor was a county commissioner attending a meeting of the commissioners court at the time of the commission of the offense; the commissioners court previously adopted and has maintained in effect an order or rule authorizing a county commissioner to carry a concealed handgun that the person is licensed by the Department of Public Safety to carry at a meeting of the commissioners court; and the handgun was concealed.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1530 differs from the original by establishing a defense to prosecution for an unlawful carrying of a handgun offense at any meeting of a governmental entity if the actor was a county commissioner attending a meeting at the time of the offense, the commissioners court previously adopted and has maintained in effect an order or rule authorizing a county commissioner to carry a concealed handgun the person is licensed to carry at a commissioners court meeting, and the handgun was concealed, whereas the original establishes the defense if the actor was a county commissioner attending a commissioners court meeting at the time of the offense.