

## **BILL ANALYSIS**

H.B. 2756  
By: Lavender  
Homeland Security & Public Safety  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Texas is one of the few states that does not lawfully recognize the open carrying of handguns. While Texas' concealed carry law has been a great success since introduction, there are many Texans who want the opportunity to openly carry their licensed handguns without the threat of a penalty being imposed. In addition, many concealed handgun license holders disagree with the idea that accidental exposure of the concealed handgun could result in a criminal offense. H.B. 2756 seeks to remedy these issues by authorizing the open carrying of a handgun by a license holder.

### **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. 2756 repeals provisions of the Penal Code making it an offense for a concealed handgun license holder to carry a handgun on or about the license holder's person under the authority of state law and intentionally fail to conceal the handgun and establishing a defense to prosecution for that offense.

H.B. 2756 repeals a provision of the Government Code defining "concealed handgun" for purposes of a license to carry a concealed handgun.

H.B. 2756 amends the following codes to remove statutory references to a concealed handgun to conform to the repeal: Alcoholic Beverage Code, Code of Criminal Procedure, Family Code, Government Code, Health and Safety Code, Local Government Code, Parks and Wildlife Code, and Penal Code.

H.B. 2756 repeals Sections 46.035(a) and (h), Penal Code and Section 411.171(3), Government Code.

### **EFFECTIVE DATE**

September 1, 2011.