

BILL ANALYSIS

S.B. 905
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Criminal Jurisprudence
Committee Report (Amended)

BACKGROUND AND PURPOSE

Current law lists several locations on which the carrying of a handgun is not permitted by a concealed handgun license holder. Those locations include sporting events, churches, hospitals, and drinking establishments, and other premises. The law provides an exemption from that prohibition for certain officials, including federal judges and justices, active judicial officers, district and assistant district attorneys, criminal district and assistant criminal district attorneys, and county and assistant county attorneys.

S.B. 905 seeks to extend the exemption from certain concealed handgun laws to statewide elected officials, certain current and former members of the legislature, and certain federal and state employees.

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

S.B. 905 amends Section 46.035(h-1), Penal Code, as added by Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, to extend the applicability of the defense to prosecution available for certain officials for the offense of unlawful carrying of a handgun by a concealed handgun license holder involving the license holder intentionally, knowingly, or recklessly carrying a handgun, regardless of whether the handgun is concealed, on certain specified premises but not including the premises of a correctional facility, to a person who, at the time of the commission of the offense, was a United States attorney or an assistant United States attorney, a statewide elected official, a member of the legislature, or a noncommissioned employee of the Department of Public Safety (DPS), designated by the public safety director of DPS.

S.B. 905 adds a temporary provision, set to expire September 1, 2020, to establish a defense to prosecution for that offense involving the conduct previously described if, at the time of the commission of the offense, the actor was a person who, on September 1, 2011, was serving as a member of the legislature and possessed a concealed handgun license, if the person is no longer a member at the time of the offense and if the license has not yet been subject to renewal since the person ceased to be a member.

EFFECTIVE DATE

September 1, 2011.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1

Committee Amendment No. 1 removes a statewide elected official, a member of the legislature, and a noncommissioned employee of the Department of Public Safety from the persons to whom the defense to prosecution for the offense of unlawful carrying of a handgun by a concealed handgun license holder on certain premises is extended under the bill's provisions. The amendment removes the temporary provision establishing a defense to prosecution for that offense if, at the time of the commission of the offense, the actor was a person who, on September 1, 2011, was serving as a member of the legislature and possessed a concealed handgun license, if the person is no longer a member at the time of the offense and if the license has not yet been subject to renewal since the person ceased to be a member.