

By: Campbell

S.B. No. 34

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain offenses involving the carrying of concealed
3 handguns by license holders and to defenses and exceptions to the
4 prosecution of those offenses.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 46.03, Penal Code, is amended by
7 amending Subsection (f) and adding Subsection (f-1) to read as
8 follows:

9 (f) It is not a defense to prosecution under Subsection
10 (a)(1), (3), (5), or (6) [~~this section~~] that the actor possessed a
11 handgun and was licensed to carry a concealed handgun under
12 Subchapter H, Chapter 411, Government Code.

13 (f-1) It is an exception to the application of Subsections
14 (a)(2) and (4) that the actor possessed a handgun, and no other
15 weapon to which this section applies, and was licensed to carry a
16 concealed handgun under Subchapter H, Chapter 411, Government Code.

17 SECTION 2. Sections 46.035(b) and (c), Penal Code, are
18 amended to read as follows:

19 (b) A license holder commits an offense if the license
20 holder intentionally, knowingly, or recklessly carries a handgun
21 under the authority of Subchapter H, Chapter 411, Government Code,
22 regardless of whether the handgun is concealed, on or about the
23 license holder's person:

24 (1) on the premises of a business that has a permit or

1 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic
2 Beverage Code, if the business derives 51 percent or more of its
3 income from the sale or service of alcoholic beverages for
4 on-premises consumption, as determined by the Texas Alcoholic
5 Beverage Commission under Section 104.06, Alcoholic Beverage Code;

6 (2) on the premises where a high school, collegiate,
7 or professional sporting event or interscholastic event is taking
8 place, unless the license holder is a participant in the event and a
9 handgun is used in the event; or

10 (3) on the premises of a correctional facility[+]

11 [~~(4) on the premises of a hospital licensed under~~
12 ~~Chapter 241, Health and Safety Code, or on the premises of a nursing~~
13 ~~home licensed under Chapter 242, Health and Safety Code, unless the~~
14 ~~license holder has written authorization of the hospital or nursing~~
15 ~~home administration, as appropriate;~~

16 [~~(5) in an amusement park; or~~

17 [~~(6) on the premises of a church, synagogue, or other~~
18 ~~established place of religious worship].~~

19 (c) A license holder commits an offense if the license
20 holder intentionally, knowingly, or recklessly carries a handgun
21 under the authority of Subchapter H, Chapter 411, Government Code,
22 regardless of whether the handgun is concealed, at any meeting of a
23 governmental entity, unless the license holder has not received
24 effective notice under Section 30.06.

25 SECTION 3. Section 46.035(h-1), Penal Code, as added by
26 Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular
27 Session, 2007, is amended to read as follows:

1 (h-1) It is a defense to prosecution under Subsections
2 (b)(1), (b)(2) [~~(2)~~, and ~~(4)-(6)~~], and (c) that at the time of the
3 commission of the offense, the actor was:

4 (1) a judge or justice of a federal court;

5 (2) an active judicial officer, as defined by Section
6 411.201, Government Code; or

7 (3) a district attorney, assistant district attorney,
8 criminal district attorney, assistant criminal district attorney,
9 county attorney, or assistant county attorney.

10 SECTION 4. Subsection (h-1), Section 46.035, Penal Code, as
11 added by Chapter 1214 (H.B. 1889), Acts of the 80th Legislature,
12 Regular Session, 2007, is redesignated as Subsection (h-2), Section
13 46.035, Penal Code, to read as follows:

14 (h-2) [~~(h-1)~~] It is a defense to prosecution under
15 Subsections (b) and (c) that the actor, at the time of the
16 commission of the offense, was:

17 (1) an active judicial officer, as defined by Section
18 411.201, Government Code; or

19 (2) a bailiff designated by the active judicial
20 officer and engaged in escorting the officer.

21 SECTION 5. Sections 46.035(f)(1) and (i), Penal Code, are
22 repealed.

23 SECTION 6. The change in law made by this Act applies only
24 to an offense committed on or after the effective date of this Act.
25 An offense committed before the effective date of this Act is
26 governed by the law in effect on the date the offense was committed,
27 and the former law is continued in effect for that purpose. For

1 purposes of this section, an offense was committed before the
2 effective date of this Act if any element of the offense occurred
3 before that date.

4 SECTION 7. This Act takes effect on the 91st day after the
5 last day of the legislative session.