

BILL ANALYSIS

H.B. 1304
By: Sheets
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

To be eligible to obtain a license to carry a concealed handgun in Texas, an applicant must meet certain age, residency, and character requirements and be fully qualified under applicable federal and state law to purchase a handgun. Current law authorizes an individual who obtains a concealed handgun license to carry a handgun on certain premises so long as the weapon is concealed from plain view. Interested parties note that current law which makes it an offense for a license holder to carry and intentionally fail to conceal a handgun has created confusion for license holders who inadvertently display a handgun but are attempting to conceal the handgun pursuant to state law. H.B. 1304 seeks to remedy any ambiguity involving the proper concealment of a handgun by providing a penalty for a license holder who intentionally displays the handgun.

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. 1304 amends the Penal Code to make it an offense for a concealed handgun license holder to carry a handgun on or about the license holder's person and intentionally display, rather than intentionally fail to conceal, the handgun. The bill makes it a defense to prosecution for such offense that the actor, at the time of the commission of the offense, displayed the handgun under circumstances in which the actor would have been justified in the use of force, rather than deadly force.

EFFECTIVE DATE

September 1, 2013.