

BILL ANALYSIS

H.B. 278
By: Ashby
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties suggest that certain public-servant attorneys who are concealed handgun licensees should be authorized to openly carry a handgun. H.B. 278 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 278 amends the Penal Code to establish a defense to prosecution for the intentional display of a handgun in plain view of another person in a public place by a person licensed to carry a concealed handgun in Texas if, at the time of the commission of the offense, the actor was a district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, assistant county attorney, or municipal attorney.

H.B. 278 makes inapplicable to such an attorney licensed to carry a concealed handgun in Texas who is carrying the handgun in plain view statutory provisions establishing the offense of unlawfully carrying a weapon and the offense of intentionally, knowingly, or recklessly possessing or going with a firearm, illegal knife, club, or other prohibited weapon on certain premises.

EFFECTIVE DATE

September 1, 2015.