

By: White of Tyler

H.B. No. 2445

A BILL TO BE ENTITLED

1 AN ACT

2 relating to conduct that constitutes the offense of displaying a
3 firearm in a public place.

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

5 SECTION 1. Sections 42.01(a), (d), and (e), Penal Code, are
6 amended to read as follows:

7 (a) A person commits an offense if he intentionally or
8 knowingly:

9 (1) uses abusive, indecent, profane, or vulgar
10 language in a public place, and the language by its very utterance
11 tends to incite an immediate breach of the peace;

12 (2) makes an offensive gesture or display in a public
13 place, and the gesture or display tends to incite an immediate
14 breach of the peace;

15 (3) creates, by chemical means, a noxious and
16 unreasonable odor in a public place;

17 (4) abuses or threatens a person in a public place in
18 an obviously offensive manner;

19 (5) makes unreasonable noise in a public place other
20 than a sport shooting range, as defined by Section 250.001, Local
21 Government Code, or in or near a private residence that he has no
22 right to occupy;

23 (6) fights with another in a public place;

24 (7) discharges a firearm in a public place other than a

1 public road or a sport shooting range, as defined by Section
2 [250.001](#), Local Government Code;

3 ~~(8) [displays a firearm or other deadly weapon in a
4 public place in a manner calculated to alarm;~~

5 ~~(9)~~ discharges a firearm on or across a public road;

6 (9) ~~(10)~~ exposes his anus or genitals in a public
7 place and is reckless about whether another may be present who will
8 be offended or alarmed by his act; or

9 (10) ~~(11)~~ for a lewd or unlawful purpose:

10 (A) enters on the property of another and looks
11 into a dwelling on the property through any window or other opening
12 in the dwelling;

13 (B) while on the premises of a hotel or
14 comparable establishment, looks into a guest room not the person's
15 own through a window or other opening in the room; or

16 (C) while on the premises of a public place,
17 looks into an area such as a restroom or shower stall or changing or
18 dressing room that is designed to provide privacy to a person using
19 the area.

20 (d) An offense under this section is a Class C misdemeanor
21 unless committed under Subsection (a)(7) ~~[or (a)(8)]~~, in which
22 event it is a Class B misdemeanor.

23 (e) It is a defense to prosecution for an offense under
24 Subsection (a)(7) or (8) ~~(9)~~ that the person who discharged the
25 firearm had a reasonable fear of bodily injury to the person or to
26 another by a dangerous wild animal as defined by Section [822.101](#),
27 Health and Safety Code.

1 SECTION 2. Section 250.006(b), Health and Safety Code, is
2 amended to read as follows:

3 (b) A person may not be employed in a position the duties of
4 which involve direct contact with a consumer in a facility or may
5 not be employed by an individual employer before the fifth
6 anniversary of the date the person is convicted of:

7 (1) an offense under Section 22.01, Penal Code
8 (assault), that is punishable as a Class A misdemeanor or as a
9 felony;

10 (2) an offense under Section 30.02, Penal Code
11 (burglary);

12 (3) an offense under Chapter 31, Penal Code (theft),
13 that is punishable as a felony;

14 (4) an offense under Section 32.45, Penal Code
15 (misapplication of fiduciary property or property of a financial
16 institution), that is punishable as a Class A misdemeanor or a
17 felony;

18 (5) an offense under Section 32.46, Penal Code
19 (securing execution of a document by deception), that is punishable
20 as a Class A misdemeanor or a felony;

21 (6) an offense under Section 37.12, Penal Code (false
22 identification as peace officer); or

23 (7) an offense under Section 42.01(a)(7)~~[7]~~ or (8),
24 [~~or (9)~~] Penal Code (disorderly conduct).

25 SECTION 3. (a) The change in law made by this Act to
26 Section 42.01, Penal Code, applies only to an offense committed on
27 or after the effective date of this Act. An offense committed before

1 the effective date of this Act is governed by the law in effect on
2 the date the offense was committed, and the former law is continued
3 in effect for that purpose. For purposes of this section, an offense
4 was committed before the effective date of this Act if any element
5 of the offense occurred before that date.

6 (b) The change in law made by this Act to Section 250.006,
7 Health and Safety Code, applies to the employability of a nurse aide
8 based on criminal history record information for that person
9 relating to a conviction or placement on deferred adjudication
10 community supervision for an offense under Section 42.01, Penal
11 Code, committed on or after the effective date of this Act. The
12 employability of a nurse aide based on criminal history record
13 information for that person relating to a conviction or placement
14 on deferred adjudication community supervision for an offense under
15 Section 42.01, Penal Code, that was committed before the effective
16 date of this Act is governed by the law in effect on the date the
17 offense was committed, and the former law is continued in effect for
18 that purpose. For purposes of this section, an offense was
19 committed before the effective date of this Act if any element of
20 the offense occurred before that date.

21 SECTION 4. This Act takes effect September 1, 2015.