

BILL ANALYSIS

C.S.H.B. 56
By: Flynn
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that first responders sometimes arrive at the scene of an emergency call before law enforcement. Concerns have been raised that these first responders may face a potentially violent and rapidly developing situation upon arrival that requires the first responders to protect themselves absent law enforcement backup. C.S.H.B. 56 seeks to address these concerns by providing certain legal protections to such a first responder licensed to carry a handgun.

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

C.S.H.B. 56 amends the Penal Code to establish as a defense to prosecution for the offenses of trespass by a handgun license holder with a concealed handgun and trespass by a handgun license holder with an openly carried handgun that the license holder was a first responder engaged in the actual discharge of the first responder's duties. The bill establishes as a defense to prosecution for unlawful carrying of a handgun by a handgun license holder that the actor was, at the time of the commission of the offense, a first responder who was carrying a handgun and held a license to carry a handgun and was engaged in the actual discharge of the first responder's duties while carrying the handgun. The bill exempts a first responder who is carrying a handgun, holds a handgun license, and is engaged in the actual discharge of the first responder's duties while carrying the handgun from the application of the offense of the unlawful carrying of a weapon and the offense of possessing or going with a weapon in a prohibited place.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 56 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 30.06, Penal Code, is amended by adding Subsection (f) to read as follows:

(f) It is an exception to the application of this section that the license holder was a first responder, as defined by Section 161.0001, Health and Safety Code, engaged in the actual discharge of the first responder's duties.

SECTION 2. Section 30.07, Penal Code, is amended by adding Subsection (g) to read as follows:

(g) It is an exception to the application of this section that the license holder was a first responder, as defined by Section 161.0001, Health and Safety Code, engaged in the actual discharge of the first responder's duties.

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

SECTION 4. Section 46.15(a), Penal Code, is amended.

SECTION 5. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 6. This Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 30.06, Penal Code, is amended by adding Subsection (f) to read as follows:

(f) It is a defense to prosecution under this section that the license holder was a first responder, as defined by Section 161.0001, Health and Safety Code, engaged in the actual discharge of the first responder's duties.

SECTION 2. Section 30.07, Penal Code, is amended by adding Subsection (g) to read as follows:

(g) It is a defense to prosecution under this section that the license holder was a first responder, as defined by Section 161.0001, Health and Safety Code, engaged in the actual discharge of the first responder's duties.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.