

By: Davis of Harris

H.B. No. 1153

A BILL TO BE ENTITLED

AN ACT

relating to the offense involving the carrying of handguns by license holders on the premises of state hospitals and state supported living centers.

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

SECTION 1. Section 411.204, Government Code, is amended by amending Subsection (b) and adding Subsection (f) to read as follows:

(b) A hospital licensed under Chapter 241, Health and Safety Code, ~~[or]~~ a nursing facility ~~[home]~~ licensed under Chapter 242, Health and Safety Code, a state hospital, or a state supported living center shall prominently display at each entrance to the hospital, facility ~~[or nursing home]~~, or center, as appropriate, a sign that complies with the requirements of Subsection (c) other than the requirement that the sign include on its face the number "51".

(f) In this section:

(1) "State hospital" has the meaning assigned by Section 552.0011, Health and Safety Code.

(2) "State supported living center" has the meaning assigned by Section 531.002, Health and Safety Code.

SECTION 2. Section 46.035, Penal Code, is amended by amending Subsections (b) and (i) and adding Subsection (i-1) to read as follows:

1 (b) A license holder commits an offense if the license
2 holder intentionally, knowingly, or recklessly carries a handgun
3 under the authority of Subchapter H, Chapter 411, Government Code,
4 regardless of whether the handgun is concealed or carried in a
5 shoulder or belt holster, on or about the license holder's person:

6 (1) on the premises of a business that has a permit or
7 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic
8 Beverage Code, if the business derives 51 percent or more of its
9 income from the sale or service of alcoholic beverages for
10 on-premises consumption, as determined by the Texas Alcoholic
11 Beverage Commission under Section 104.06, Alcoholic Beverage Code;

12 (2) on the premises where a high school, collegiate,
13 or professional sporting event or interscholastic event is taking
14 place, unless the license holder is a participant in the event and a
15 handgun is used in the event;

16 (3) on the premises of a correctional facility;

17 (4) on the premises of a hospital licensed under
18 Chapter 241, Health and Safety Code, ~~[or on the premises of]~~ a
19 nursing facility licensed under Chapter 242, Health and Safety
20 Code, a state hospital, or a state supported living center unless
21 the license holder has written authorization of the administration
22 of the hospital, [or nursing] facility, or center [administration],
23 as appropriate;

24 (5) in an amusement park; or

25 (6) on the premises of a church, synagogue, or other
26 established place of religious worship.

27 (i) Subsections ~~[(b)(4),]~~ (b)(5), (b)(6), and (c) do not

1 apply if the actor was not given effective notice under Section
2 30.06 or 30.07.

3 (i-1) Subsection (b)(4) does not apply if the actor was not
4 given effective notice under Section 30.06 or 30.07 or under
5 Section 411.204, Government Code.

6 SECTION 3. Section 46.035(f), Penal Code, is amended by
7 adding Subdivisions (4) and (5) to read as follows:

8 (4) "State hospital" has the meaning assigned by
9 Section 552.0011, Health and Safety Code.

10 (5) "State supported living center" has the meaning
11 assigned by Section 531.002, Health and Safety Code.

12 SECTION 4. The change in law made by this Act applies only
13 to an offense committed on or after the effective date of this Act.
14 An offense committed before the effective date of this Act is
15 governed by the law in effect on the date the offense was committed,
16 and the former law is continued in effect for that purpose. For
17 purposes of this section, an offense was committed before the
18 effective date of this Act if any element of the offense occurred
19 before that date.

20 SECTION 5. This Act takes effect September 1, 2017.