

By: Cain

H.B. No. 1914

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a citation for the offense of trespass by certain persons carrying handguns.

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

SECTION 1. Article 15.17(g), Code of Criminal Procedure, is amended to read as follows:

(g) If a person charged with an offense punishable as a misdemeanor appears before a magistrate in compliance with a citation issued under Section 30.06(f) or 30.07(g), Penal Code, or under Article 14.06(b) or (c), the magistrate shall perform the duties imposed by this article in the same manner as if the person had been arrested and brought before the magistrate by a peace officer. After the magistrate performs the duties imposed by this article, the magistrate except for good cause shown may release the person on personal bond. If a person who was issued a citation for a Class A or B misdemeanor under Article 14.06(c) or for a Class A misdemeanor under Section 30.06(f) or 30.07(g), Penal Code, fails to appear as required by that citation, the magistrate before which the person is required to appear shall issue a warrant for the arrest of the accused.

SECTION 2. Section 30.06, Penal Code, is amended by adding Subsection (f) to read as follows:

(f) A peace officer charging a license holder with an offense under this section, instead of taking the license holder

1 before a magistrate, shall issue to the license holder a written
2 citation and notice to appear that contains the time and place the
3 license holder must appear before a magistrate, the name and
4 address of the license holder, and the offense charged. If the
5 license holder makes a written promise to appear before the
6 magistrate by signing in duplicate the citation and notice to
7 appear issued by the officer, the officer shall release the license
8 holder and may not seize a handgun possessed by the license holder
9 unless the seizure is authorized under other law.

10 SECTION 3. Section 30.07, Penal Code, is amended by adding
11 Subsection (g) to read as follows:

12 (g) A peace officer charging a license holder with an
13 offense under this section, instead of taking the license holder
14 before a magistrate, shall issue to the license holder a written
15 citation and notice to appear that contains the time and place the
16 license holder must appear before a magistrate, the name and
17 address of the license holder, and the offense charged. If the
18 license holder makes a written promise to appear before the
19 magistrate by signing in duplicate the citation and notice to
20 appear issued by the officer, the officer shall release the license
21 holder and may not seize a handgun possessed by the license holder
22 unless the seizure is authorized under other law.

23 SECTION 4. The changes in law made by this Act apply only to
24 an offense committed on or after the effective date of this Act. An
25 offense committed before the effective date of this Act is governed
26 by the law in effect on the date the offense was committed, and the
27 former law is continued in effect for that purpose. For purposes of

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1 this section, an offense was committed before the effective date of
2 this Act if any element of the offense occurred before that date.

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