

By: Menéndez

S.B. No. 220

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the offense involving the carrying of handguns by
3 license holders on the premises of certain mental health
4 facilities.

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

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

9 (b) A hospital licensed under Chapter 241, Health and Safety
10 Code, ~~[or]~~ a nursing facility ~~[home]~~ licensed under Chapter 242,
11 Health and Safety Code, a facility that is operated by or under
12 contract with a local mental health authority or a community center
13 and that provides mental health services, a mental health facility,
14 or a mental hospital shall prominently display at each entrance to
15 the hospital or facility ~~[or nursing home]~~, as appropriate, a sign
16 that complies with the requirements of Subsection (c) other than
17 the requirement that the sign include on its face the number "51".

18 (f) In this section, "community center," "local mental
19 health authority," "mental health facility," and "mental hospital"
20 have the meanings assigned by Section 571.003, Health and Safety
21 Code.

22 SECTION 2. Section 46.035, Penal Code, is amended by
23 amending Subsections (b) and (i) and adding Subsection (i-1) to
24 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 facility that is operated by or under contract with a local
21 mental health authority or a community center and that provides
22 mental health services, a mental health facility, or a mental
23 hospital unless the license holder has written authorization of the
24 administration of the hospital or ~~[nursing]~~ facility
25 ~~[administration]~~, as appropriate;

26 (5) in an amusement park; or

27 (6) on the premises of a church, synagogue, or other

1 established place of religious worship.

2 (i) Subsections [~~(b)(4)~~,] (b)(5), (b)(6), and (c) do not
3 apply if the actor was not given effective notice under Section
4 30.06 or 30.07.

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

8 SECTION 3. Section 46.035(f), Penal Code, is amended by
9 amending Subdivision (1-a) and adding Subdivision (1-b) to read as
10 follows:

11 (1-a) "Community center," "local mental health
12 authority," "mental health facility," and "mental hospital" have
13 the meanings assigned by Section 571.003, Health and Safety Code.

14 (1-b) "Institution of higher education" and "private
15 or independent institution of higher education" have the meanings
16 assigned by Section 61.003, Education Code.

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

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