

By: Burton

S.B. No. 449

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the carrying of a concealed handgun on the premises of
3 certain businesses.

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

5 SECTION 1. Section 11.61(e), Alcoholic Beverage Code, is
6 amended to read as follows:

7 (e) Except as provided by Subsection (f) or (i), the
8 commission or administrator shall cancel an original or renewal
9 permit if it is found, after notice and hearing, that the permittee
10 knowingly allowed a person to possess a firearm in a building on the
11 licensed premises. This subsection does not apply to a person:

12 (1) who holds a security officer commission issued
13 under Chapter 1702, Occupations Code, if:

14 (A) the person is engaged in the performance of
15 the person's duties as a security officer;

16 (B) the person is wearing a distinctive uniform;
17 and

18 (C) the weapon is in plain view;

19 (2) who is a peace officer;

20 (3) who is a permittee or an employee of a permittee if
21 the person is supervising the operation of the premises; or

22 (4) who:

23 (A) on the premises of a business described by
24 Section 46.035(b)(1), Penal Code, that displays the sign described

1 by Section 411.204(c-1), Government Code, possesses a concealed
2 handgun the person is licensed to carry under Subchapter H, Chapter
3 411, Government Code; or

4 (B) on the premises of a business other than a
5 business described by Section 46.035(b)(1), Penal Code, possesses a
6 handgun the person is licensed to carry under Subchapter H, Chapter
7 411, Government Code [~~unless the person is on the premises of a~~
8 ~~business described by Section 46.035(b)(1), Penal Code~~].

9 SECTION 2. Section 61.71(f), Alcoholic Beverage Code, is
10 amended to read as follows:

11 (f) Except as provided by Subsection (g) or (j), the
12 commission or administrator shall cancel an original or renewal
13 dealer's on-premises or off-premises license if it is found, after
14 notice and hearing, that the licensee knowingly allowed a person to
15 possess a firearm in a building on the licensed premises. This
16 subsection does not apply to a person:

17 (1) who holds a security officer commission issued
18 under Chapter 1702, Occupations Code, if:

19 (A) the person is engaged in the performance of
20 the person's duties as a security officer;

21 (B) the person is wearing a distinctive uniform;
22 and

23 (C) the weapon is in plain view;

24 (2) who is a peace officer;

25 (3) who is a licensee or an employee of a licensee if
26 the person is supervising the operation of the premises; or

27 (4) who:

1 (A) on the premises of a business described by
2 Section 46.035(b)(1), Penal Code, that displays the sign described
3 by Section 411.204(c-1), Government Code, possesses a concealed
4 handgun the person is licensed to carry under Subchapter H, Chapter
5 411, Government Code; or

6 (B) on the premises of a business other than a
7 business described by Section 46.035(b)(1), Penal Code, possesses a
8 handgun the person is licensed to carry under Subchapter H, Chapter
9 411, Government Code [~~unless the person is on the premises of a~~
10 ~~business described by Section 46.035(b)(1), Penal Code].~~

11 SECTION 3. Section 411.204, Government Code, is amended by
12 amending Subsection (a) and adding Subsection (c-1) to read as
13 follows:

14 (a) A business that has a permit or license issued under
15 Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, and that
16 derives 51 percent or more of its income from the sale of alcoholic
17 beverages for on-premises consumption as determined by the Texas
18 Alcoholic Beverage Commission under Section 104.06, Alcoholic
19 Beverage Code, shall prominently display at each entrance to the
20 business premises a sign that complies with the requirements of
21 Subsection (c) or (c-1).

22 (c-1) A business to which Subsection (a) applies may
23 display, in lieu of the sign described by Subsection (c), a sign
24 that gives notice in both English and Spanish that it is unlawful
25 for a person licensed under this subchapter to carry a partially or
26 wholly visible handgun on the premises. The sign must otherwise
27 comply with the requirements of Subsection (c).

1 SECTION 4. Section 46.035, Penal Code, is amended by
2 amending Subsection (k) and adding Subsection (m) to read as
3 follows:

4 (k) It is a defense to prosecution under Subsection (b)(1)
5 that the actor was not given effective notice under Section
6 411.204(c) or (c-1), Government Code, that the actor's conduct was
7 unlawful.

8 (m) It is an exception to the application of Subsection
9 (b)(1) that the actor, at the time of the commission of the offense,
10 was carrying a concealed handgun on the premises of a business that
11 displayed the sign described by Section 411.204(c-1), Government
12 Code.

13 SECTION 5. The change in law made by this Act to Section
14 46.035, Penal Code, applies only to an offense committed on or after
15 the effective date of this Act. An offense committed before the
16 effective date of this Act is governed by the law in effect on the
17 date the offense was committed, and the former law is continued in
18 effect for that purpose. For purposes of this section, an offense
19 was committed before the effective date of this Act if any element
20 of the offense occurred before that date.

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