

BILL ANALYSIS

Senate Research Center
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H.B. 121
By: Swanson et al. (Creighton)
State Affairs
4/27/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been noted that an individual who mistakenly carries a handgun on a premises that prohibits handguns could be prosecuted for the mistake, even if the individual leaves the property once the owner has notified them of the prohibition. H.B. 121 seeks to provide a defense to prosecution for offenses of trespass by a handgun license holder with a handgun for a license holder who promptly leaves the premises in question after receiving oral notice that entry on the premises with a handgun was forbidden.

H.B. 121 amends current law relating to a defense to prosecution for the offense of trespass by certain persons carrying handguns.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 30.06, Penal Code, by adding Subsection (g) to provide that it is a defense to prosecution under this section that the license holder was personally given notice by oral communication described by Subsection (b) (relating to a provision that for purposes of this section, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication) and promptly departed from the property.

SECTION 2. Amends Section 30.07, Penal Code, by adding Subsection (h) to provide that it is a defense to prosecution under this section that the license holder was personally given notice by oral communication described by Subsection (b) (relating to a provision that for purposes of this section, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication) and promptly departed from the property.

SECTION 3. Makes application of this Act prospective. Provides that 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 that the former law is continued in effect for that purpose.

SECTION 4. Effective date: September 1, 2019.