

BILL ANALYSIS

H.B. 1177
By: Phelan
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that handgun license holders and other Texans who are not prohibited by law from possessing a firearm should be allowed to legally carry and transport their handguns in the case of a mandatory emergency evacuation. H.B. 1177 seeks to address this issue by exempting these persons from the application of various unlawful carrying of weapons and handgun offenses under certain circumstances surrounding a declared state of disaster or local state of disaster.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1177 amends the Penal Code to exempt a person from the application of the offense of unlawful carrying of weapons if:

- the person carries a handgun while evacuating from an area subject to a mandatory evacuation order issued during a state of disaster or a local state of disaster or while reentering that area following the person's evacuation;
- not more than 168 hours have elapsed since the evacuation was ordered or more than 168 hours have elapsed since the evacuation order was issued and the governor has extended the period during which a person may carry a handgun; and
- the person is not prohibited by state or federal law from possessing a firearm.

The bill exempts a person from the application of the offenses of unlawful carrying of weapons and unlawful carrying of a handgun by a handgun license holder and of the offense involving unlawfully possessing or going with a firearm on certain premises if:

- the person carries a handgun on the premises, as defined by the statute providing the applicable offense, of a location operating as an emergency shelter during a state of disaster or a local state of disaster;
- the owner, controller, or operator of the premises or a person acting with the apparent authority of the owner, controller, or operator authorized the carrying of the handgun; and
- the person is not prohibited by state or federal law from possessing a firearm.

EFFECTIVE DATE

September 1, 2019.