

BILL ANALYSIS

H.B. 1231
By: Flynn
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There have been calls to provide churches, synagogues, and other established places of worship the same right enjoyed by other private property owners to decide whether to allow a handgun license holder to carry a handgun on their premises and to harmonize certain penalties for the unlawful carrying of a handgun by a license holder. H.B. 1231 seeks to do so by removing these places of worship from the premises on which a license holder carrying a handgun constitutes an offense and by revising certain related penalties.

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. 1231 amends the Penal Code to remove the premises of a church, synagogue, or other established place of religious worship from the premises on which the intentional, knowing, or reckless carrying of a handgun by a handgun license holder constitutes an offense.

H.B. 1231 changes the penalty for the unlawful carrying of a handgun by a license holder from a Class A misdemeanor to a Class C misdemeanor punishable by a fine not to exceed \$200 if the offense occurs in the following places:

- in the room or rooms where a public meeting of a governmental entity is held with required notice;
- on the premises of a licensed hospital or nursing facility without appropriate written authorization; or
- in an amusement park.

The penalty for such conduct remains a Class A misdemeanor if it is shown on the trial of the offense that, after entering the applicable property, the license holder was personally given notice by oral communication under applicable statutory provisions that entry on the property was forbidden and subsequently failed to depart.

EFFECTIVE DATE

September 1, 2019.