

BILL ANALYSIS

C.S.H.B. 1791
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that there remains ambiguity with regard to recent legislation attempting to prevent the wrongful exclusion of a handgun license holder carrying a handgun from government property. Concerns have been raised that this ambiguity has led to numerous lawsuits, and it has been suggested that some local governments have exploited the ambiguity by enacting regulations that circumvent the legislature's intent. C.S.H.B. 1791 seeks to provide clarity with regard to the prohibition against excluding handgun license holders from government property.

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

C.S.H.B. 1791 amends the Government Code to clarify that a state agency or a political subdivision of the state may not take any action, including providing notice, that states or implies that a license holder who is carrying a handgun is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by law. The bill requires the general facts of an alleged violation of that prohibition to be included in the written notice provided by a Texas resident or a license holder as part of a complaint filed with the attorney general. The bill removes the specific location of a sign found to be in violation of that prohibition as required information in that notice and also as required information in the notice to be given by the attorney general to the chief administrative officer of the entity charged with the violation on a finding that legal action is warranted. The bill defines "premises" by reference.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1791 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a provision prohibiting a state agency or a political subdivision of the state from prohibiting or attempting to prohibit a license holder who is carrying a handgun from entering or remaining on a premises or other place owned or leased by the governmental entity by taking any action.

The substitute includes a prohibition against a state agency or a political subdivision of the state taking any action that states or implies that a license holder who is carrying a handgun is prohibited from entering or remaining on certain premises.

The substitute does not include a requirement for certain information included in the complaint also to be included in the written notice that the attorney general gives to the chief administrative officer of the entity charged with a violation of such a prohibition if the attorney general finds that legal action is warranted.

The substitute includes a definition of "premises" by reference.