By:  Phelan, et al. (Senate Sponsor - Creighton) H.B. No. 1177

(In the Senate - Received from the House April 23, 2019; April 24, 2019, read first time and referred to Committee on State Affairs; May 15, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 8, Nays 1; May 15, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Huffman         X

Hughes          X

Birdwell        X

Creighton       X

Fallon          X

Hall            X

Lucio           X

Nelson          X

Zaffirini           X

COMMITTEE SUBSTITUTE FOR H.B. No. 1177 By:  Creighton

A BILL TO BE ENTITLED

AN ACT

relating to carrying a concealed handgun following a mandatory evacuation order issued during a state of disaster.

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

SECTION 1.  Section 46.15, Penal Code, is amended by adding Subsections (k) and (l) to read as follows:

(k)  Section 46.02 does not apply to a person who carries a handgun if:

(1)  the person carries the handgun in a concealed manner;

(2)  the person carries the handgun while:

(A)  evacuating from an area following a mandatory evacuation order issued during a state of disaster declared under Section 418.014, Government Code, or a local state of disaster declared under Section 418.108, Government Code, with respect to that area; or

(B)  reentering that area following the person's evacuation;

(3)  not more than 48 hours have elapsed since the mandatory evacuation order was issued, or more than 48 hours have elapsed since the mandatory evacuation order was issued and the governor has extended the period during which a person may carry a concealed handgun; and

(4)  the person is not prohibited by state or federal law from possessing a firearm.

(l)  For purposes of Subsection (k), "evacuating" means the immediate and urgent movement of a person away from an area that is subject to an evacuation order.

SECTION 2.  The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. 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 the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 3.  This Act takes effect September 1, 2019.

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