

AN ACT

relating to carrying a handgun 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 while:

(A) evacuating from an area following the declaration of a state of disaster under Section 418.014, Government Code, or a local state of disaster under Section 418.108, Government Code, with respect to that area; or

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

(2) not more than 168 hours have elapsed since the state of disaster or local state of disaster was declared, or more than 168 hours have elapsed since the time the declaration was made and the governor has extended the period during which a person may carry a handgun under this subsection; and

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

(l) Sections 46.02, 46.03(a)(1), (a)(2), (a)(3), and (a)(4), and 46.035(a), (a-1), (a-2), (a-3), (b)(1), (b)(5), and (b)(6) do not apply to a person who carries a handgun if:

1           (1) the person carries the handgun on the premises, as  
2 defined by the statute providing the applicable offense, of a  
3 location operating as an emergency shelter during a state of  
4 disaster declared under Section 418.014, Government Code, or a  
5 local state of disaster declared under Section 418.108, Government  
6 Code;

7           (2) the owner, controller, or operator of the premises  
8 or a person acting with the apparent authority of the owner,  
9 controller, or operator, authorized the carrying of the handgun;

10           (3) the person carrying the handgun complies with any  
11 rules and regulations of the owner, controller, or operator of the  
12 premises that govern the carrying of a handgun on the premises; and

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

15           SECTION 2. The change in law made by this Act applies only  
16 to an offense committed on or after the effective date of this Act.  
17 An offense committed before the effective date of this Act is  
18 governed by the law in effect on the date the offense was committed,  
19 and the former law is continued in effect for that purpose. For  
20 purposes of this section, an offense was committed before the  
21 effective date of this Act if any element of the offense was  
22 committed before that date.

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

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1177 was passed by the House on April 18, 2019, by the following vote: Yeas 102, Nays 29, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1177 on May 23, 2019, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1177 on May 26, 2019, by the following vote: Yeas 91, Nays 52, 2 present, not voting.

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Chief Clerk of the House

H.B. No. 1177

I certify that H.B. No. 1177 was passed by the Senate, with amendments, on May 19, 2019, by the following vote: Yeas 22, Nays 9; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1177 on May 26, 2019, by the following vote: Yeas 16, Nays 15.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor