

By: Phelan, White, Metcalf, Ashby, Toth,  
et al.

H.B. No. 1177

A BILL TO BE ENTITLED

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 subject to 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; or

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

(2) 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

(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)(4), (b)(5), and (b)(6) do not apply to a person who carries a handgun if:

(1) the person carries the handgun on the premises, as

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

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

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

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

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