

By: Flynn, Ashby

H.B. No. 1231

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of and punishment for the offense of unlawfully carrying a handgun by a license holder.

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

SECTION 1. Sections 46.035(b), (g), and (i), Penal Code, are amended to read as follows:

(b) A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, on or about the license holder's person:

(1) on the premises of a business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, if the business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption, as determined by the Texas Alcoholic Beverage Commission under Section 104.06, Alcoholic Beverage Code;

(2) on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event;

(3) on the premises of a correctional facility;

(4) on the premises of a hospital licensed under Chapter 241, Health and Safety Code, or on the premises of a nursing

1 facility licensed under Chapter 242, Health and Safety Code, unless
2 the license holder has written authorization of the hospital or
3 nursing facility administration, as appropriate;

4 (5) in an amusement park; or

5 (6) ~~[on the premises of a church, synagogue, or other~~
6 ~~established place of religious worship; or~~

7 ~~[(7)]~~ on the premises of a civil commitment facility.

8 (g) Except as otherwise provided by this subsection, an [An]
9 offense under this section is a Class A misdemeanor. An offense
10 under Subsection (b)(4), (b)(5), or (c) is a Class C misdemeanor
11 punishable by a fine not to exceed \$200, except that the offense is
12 a Class A misdemeanor if it is shown on the trial of the offense
13 that, after entering the property, the license holder was
14 personally given notice by oral communication under Section 30.06
15 or 30.07 that entry on the property was forbidden and subsequently
16 failed to depart. An [unless the] offense [is committed] under
17 Subsection (b)(1) or (b)(3) [in which event the offense] is a
18 felony of the third degree.

19 (i) Subsections (b)(4), (b)(5), ~~[(b)(6)]~~ and (c) do not
20 apply if the actor was not given effective notice under Section
21 30.06 or 30.07.

22 SECTION 2. Section 46.035(h-1), Penal Code, as added by
23 Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular
24 Session, 2007, is amended to read as follows:

25 (h-1) It is a defense to prosecution under Subsections
26 (b)(1), (2), (4), and (5) ~~[and (6)]~~ and (c) that at the time of the
27 commission of the offense, the actor was:

- 1 (1) a judge or justice of a federal court;
- 2 (2) an active judicial officer, as defined by Section
- 3 [411.201](#), Government Code; or
- 4 (3) the attorney general or a United States attorney,
- 5 assistant United States attorney, assistant attorney general,
- 6 district attorney, assistant district attorney, criminal district
- 7 attorney, assistant criminal district attorney, county attorney,
- 8 or assistant county attorney.

9 SECTION 3. The change in law made by this Act applies only

10 to an offense committed on or after the effective date of this Act.

11 An offense committed before the effective date of this Act is

12 governed by the law in effect at the time the offense was committed,

13 and the former law is continued in effect for that purpose. For

14 purposes of this section, an offense was committed before the

15 effective date of this Act if any element of the offense occurred

16 before that date.

17 SECTION 4. This Act takes effect September 1, 2019.