

By: Rosenthal

H.B. No. 1445

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting carrying a firearm while intoxicated;  
creating an offense.

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

SECTION 1. Chapter 46, Penal Code, is amended by adding  
Section 46.025 to read as follows:

Sec. 46.025. UNLAWFUL CARRYING OF FIREARM WHILE  
INTOXICATED. (a) A person commits an offense if, while  
intoxicated, the person carries a firearm, including a handgun or  
long gun, in a public place.

(b) An offense under this section is a Class A misdemeanor.

(c) This section does not apply to a special investigator  
under Article 2.122, Code of Criminal Procedure, or a peace officer  
regardless of whether the special investigator or peace officer is  
engaged in the actual discharge of the investigator's or officer's  
duties while carrying the firearm.

(d) It is not a defense to prosecution under this section  
that the actor carried a handgun under the authority of Subchapter  
H, Chapter 411, Government Code.

(e) In this section, "intoxicated" has the meaning assigned  
by Section 49.01.

SECTION 2. Section 411.186(a), Government Code, is amended  
to read as follows:

(a) The department shall revoke a license under this section

if the license holder:

(1) was not entitled to the license at the time it was issued;

(2) made a material misrepresentation or failed to disclose a material fact in an application submitted under this subchapter;

(3) subsequently becomes ineligible for a license under Section 411.172, unless the sole basis for the ineligibility is that the license holder is charged with the commission of a Class A or Class B misdemeanor or equivalent offense, or of an offense under Section 42.01, Penal Code, or equivalent offense, or of a felony under an information or indictment;

(4) is convicted of an offense under Section 46.025 or 46.035, Penal Code;

(5) is determined by the department to have engaged in conduct constituting a reason to suspend a license listed in Section 411.187(a) after the person's license has been previously suspended twice for the same reason; or

(6) submits an application fee that is dishonored or reversed if the applicant fails to submit a cashier's check or money order made payable to the "Department of Public Safety of the State of Texas" in the amount of the dishonored or reversed fee, plus \$25, within 30 days of being notified by the department that the fee was dishonored or reversed.

SECTION 3. Section 411.198(b), Government Code, is amended to read as follows:

(b) It is a defense to prosecution under Section 46.025 or

1 46.035, Penal Code, that the actor, at the time of the commission of  
2 the offense, was the holder of an alias license issued under this  
3 section.

4 SECTION 4. Section 411.206(c), Government Code, is amended  
5 to read as follows:

6 (c) Any judgment of conviction entered by any court for an  
7 offense under Section 46.025 or 46.035, Penal Code, committed by a  
8 license holder must contain the handgun license number of the  
9 convicted license holder. A certified copy of the judgment is  
10 conclusive and sufficient evidence to justify revocation of a  
11 license under Section 411.186(a)(4).

12 SECTION 5. Section 46.035(d), Penal Code, is repealed.

13 SECTION 6. The changes in law made by this Act apply only to  
14 an offense committed on or after the effective date of this Act. An  
15 offense committed before the effective date of this Act is governed  
16 by the law in effect on the date the offense was committed, and the  
17 former law is continued in effect for that purpose. For purposes of  
18 this section, an offense was committed before the effective date of  
19 this Act if any element of the offense occurred before that date.

20 SECTION 7. This Act takes effect September 1, 2019.