

By: Hall

S.B. No. 381

A BILL TO BE ENTITLED

AN ACT

relating to a defense to prosecution for and punishment for the offense of trespass by certain persons carrying handguns.

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

SECTION 1. Section 30.06, Penal Code, is amended by amending Subsection (d) and adding Subsection (g) to read as follows:

(d) An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$5 [~~\$200~~], except that the offense is a Class C [~~A~~] misdemeanor punishable by a fine not to exceed \$200 if it is shown on the trial of the offense that, after entering the property, the license holder was personally given the notice by oral communication described by Subsection (b) and [~~subsequently~~] failed to depart promptly.

(g) It is a defense to prosecution under this section that, after entering the property, the license holder was personally given the notice by oral communication described by Subsection (b) and promptly departed from the property.

SECTION 2. Section 30.07, Penal Code, is amended by amending Subsection (d) and adding Subsection (h) to read as follows:

(d) An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$5 [~~\$200~~], except that the offense is a Class C [~~A~~] misdemeanor punishable by a fine not to

1 exceed \$200 if it is shown on the trial of the offense that, after
2 entering the property, the license holder was personally given the
3 notice by oral communication described by Subsection (b) and
4 [~~subsequently~~] failed to depart promptly.

5 (h) It is a defense to prosecution under this section that,
6 after entering the property, the license holder was personally
7 given the notice by oral communication described by Subsection (b)
8 and promptly departed from the property.

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 on the date 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.