

By: Campbell, et al.
(Flynn, Ashby, Oliverson)

S.B. No. 535

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of a handgun by a license holder on the premises of certain places of religious worship.

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

SECTION 1. Sections 46.035(b) 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 (i) Subsections (b)(4), (b)(5), [~~(b)(6)~~] and (c) do not
9 apply if the actor was not given effective notice under Section
10 30.06 or 30.07.

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

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

17 (1) a judge or justice of a federal court;

18 (2) an active judicial officer, as defined by Section
19 411.201, Government Code; or

20 (3) the attorney general or a United States attorney,
21 assistant United States attorney, assistant attorney general,
22 district attorney, assistant district attorney, criminal district
23 attorney, assistant criminal district attorney, county attorney,
24 or assistant county attorney.

25 SECTION 3. The change in law made by this Act applies only
26 to an offense committed on or after the effective date of this Act.
27 An offense committed before the effective date of this Act is

1 governed by the law in effect at the time the offense was committed,
2 and the former law is continued in effect for that purpose. For
3 purposes of this section, an offense was committed before the
4 effective date of this Act if any element of the offense occurred
5 before that date.

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