

By: Menéndez

S.B. No. 1172

A BILL TO BE ENTITLED

AN ACT

relating to the locations in which a person may carry a firearm, the seizure of a firearm by law enforcement on arrest, and interactions between law enforcement and a handgun license holder; creating criminal offenses.

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

SECTION 1. Chapter 18, Code of Criminal Procedure, is amended by adding Article 18.096 to read as follows:

Art. 18.096. SEIZURE OF FIREARM. (a) If a peace officer arrests a person who is carrying a firearm, the officer shall disarm the person and seize the firearm as evidence.

(b) If the seized firearm is a handgun and the person holds a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code, the officer shall seize the person's handgun license under Section 411.206, Government Code.

SECTION 2. Article 18.19(a), Code of Criminal Procedure, is amended to read as follows:

(a) Weapons seized in connection with an offense involving the use of a weapon or an offense under Chapter 46, Penal Code, or on arrest pursuant to Article 18.096 ~~[Chapter 46]~~ shall be held by the law enforcement agency making the seizure, subject to the following provisions, unless:

(1) the weapon is a prohibited weapon identified in Chapter 46, Penal Code, ~~[Chapter 46]~~ in which event Article 18.18

of this code applies; or

(2) the weapon is alleged to be stolen property, in which event Chapter 47 of this code applies.

SECTION 3. Section 411.205, Government Code, is amended to read as follows:

Sec. 411.205. FAILURE ~~[REQUIREMENT]~~ TO DISPLAY LICENSE.

(a) A ~~[If a]~~ license holder commits an offense if while ~~[is]~~ carrying a handgun on or about the license holder's person, ~~[when]~~ a magistrate or a peace officer demands that the license holder display identification and ~~[7]~~ the license holder fails to ~~[shall]~~ display both the license holder's driver's license or identification certificate issued by the department and the license holder's handgun license.

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

SECTION 4. Section 46.03, Penal Code, is amended by adding Subsection (a-2) to read as follows:

(a-2) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm on the physical premises of a police station or other building that is a place of operation for a law enforcement agency, including a county sheriff's department, unless the person possesses or goes with a handgun that the person is licensed to carry under Subchapter H, Chapter 411, Government Code.

SECTION 5. Article 18.096, Code of Criminal Procedure, as added by this Act, applies to an arrest that occurs on or after the effective date of this Act, regardless of whether the offense for which the person was arrested was committed before, on, or after

1 that date.

2 SECTION 6. Sections [411.205](#), Government Code, and 46.03,
3 Penal Code, as amended by this Act, apply only to an offense
4 committed on or after the effective date of this Act. An offense
5 committed before the effective date of this Act is governed by the
6 law in effect on the date the offense was committed, and the former
7 law is continued in effect for that purpose. For purposes of this
8 section, an offense was committed before the effective date of this
9 Act if any element of the offense was committed before that date.

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