

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Burns, Holland

H.B. No. 2164

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to imposing civil and criminal penalties for prohibiting  
3 or otherwise restricting a peace officer or special investigator  
4 from carrying a weapon on certain premises open to the public;  
5 creating a criminal offense.

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

7 SECTION 1. Article 2.1305, Code of Criminal Procedure, is  
8 amended by adding Subsections (c) and (d) to read as follows:

9 (c) An establishment serving the public that violates this  
10 article is subject to a civil penalty in the amount of \$1,000 for  
11 each violation. The attorney general may sue to collect a civil  
12 penalty under this subsection. Money collected under this  
13 subsection shall be deposited in the state treasury to the credit of  
14 the general revenue fund.

15 (d) An establishment serving the public or other person who  
16 is an employee or agent of that establishment commits an offense if  
17 the person violates this article. An offense under this subsection  
18 is a Class C misdemeanor.

19 SECTION 2. The change in law made by this Act applies only  
20 to an offense committed on or after the effective date of this Act.  
21 An offense committed before the effective date of this Act is  
22 governed by the law in effect on the date the offense was committed,  
23 and the former law is continued in effect for that purpose. For  
24 purposes of this section, an offense was committed before the

H.B. No. 2164

1 effective date of this Act if any element of the offense was  
2 committed before that date.

3 SECTION 3. This Act takes effect September 1, 2019.

ADOPTED

MAY 16 2019

*Leta Spaul*  
Secretary of the Senate

By: Hughes

H.B. No. 2164

Substitute the following for \_\_\_B. No. \_\_\_\_\_:

By: *Ben [unclear]*

C.S. H.B. No. 2164

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subsection shall be deposited in the state treasury to the credit of  
the general revenue fund.

SECTION 2. This Act takes effect September 1, 2019.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 16, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2164** by Burns (Relating to imposing a civil penalty for prohibiting or otherwise restricting a peace officer or special investigator from carrying a weapon on certain premises open to the public. ), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

Based on analysis by the Comptroller of Public Accounts, revenue collections related to civil penalties authorized by the bill cannot be determined at this time. Based on analysis by the Office of the Attorney General and the Office of Court Administration, any costs associated with enforcing the provisions of the bill can be absorbed within existing state resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**     212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts

**LBB Staff:** WP, SD, CMa, LBO, NV, JMO, AF

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 10, 2019**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2164** by Burns (relating to imposing a civil penalty for prohibiting or otherwise restricting a peace officer or special investigator from carrying a weapon on certain premises open to the public.), **Committee Report 2nd House, Substituted**

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**LBB Staff:** WP, CMa, LBO, NV, JMO, AF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 8, 2019**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2164** by Burns (Relating to imposing civil and criminal penalties for prohibiting or otherwise restricting a peace officer or special investigator from carrying a weapon on certain premises open to the public; creating a criminal offense.), **As Engrossed**

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**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**March 31, 2019**

**TO:** Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2164** by Burns (Relating to imposing civil and criminal penalties for prohibiting or otherwise restricting a peace officer or special investigator from carrying a weapon on certain premises open to the public; creating a criminal offense.), **As Introduced**

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**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**86TH LEGISLATIVE REGULAR SESSION**

**May 8, 2019**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2164** by Burns (Relating to imposing civil and criminal penalties for prohibiting or otherwise restricting a peace officer or special investigator from carrying a weapon on certain premises open to the public; creating a criminal offense.), **As Engrossed**

The provisions of the bill addressed by this analysis would amend the Code of Criminal Procedure to create a criminal offense for prohibiting or restricting a peace officer or special investigator from carrying a weapon on certain premises open to the public. Under the provisions of the bill, this offense would be punishable as a Class C misdemeanor.

A Class C misdemeanor is punishable by a fine of not to exceed \$500. This analysis assumes the provisions of the bill would not result in a significant impact on the demand for state correctional resources.

**Source Agencies:**

**LBB Staff:** WP, LM, JPo



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

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**86TH LEGISLATIVE REGULAR SESSION**

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