

House Bill 1177
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 46.15, Penal Code, is amended by adding Subsections (k) and (l) to read as follows:

(k) Section 46.02 does not apply to a person who carries a handgun if:

(1) the person carries the handgun while:

(A) evacuating from an area following the declaration of a state of disaster under Section 418.014, Government Code, or a local state of disaster under Section 418.108, Government Code, with respect to that area; or

(B) reentering that area following the person's evacuation;

(2) not more than 168 hours have elapsed since the state of disaster or local state of disaster was declared, or more than 168 hours have elapsed since the time the declaration was made and the governor has extended the period during which a person may carry a handgun under this subsection; and

(3) the person is not prohibited by state or federal law from possessing a firearm.

(1) Sections 46.02, 46.03(a)(1), (a)(2), (a)(3), and (a)(4), and 46.035(a), (a-1), (a-2), (a-3), (b)(1), (b)(5), and (b)(6) do not apply to a person who carries a handgun if:

(1) the person carries the handgun on the premises, as defined by the statute providing the applicable offense, of a location operating as an emergency shelter during a state of disaster declared under Section 418.014, Government Code, or a local state of disaster declared under Section 418.108, Government Code;

(2) the owner, controller, or operator of the premises or a

SENATE VERSION (CS)

SECTION 1. Section 46.15, Penal Code, is amended by adding Subsections (k) and (l) to read as follows:

(k) Section 46.02 does not apply to a person who carries a handgun if:

(1) the person carries the handgun in a concealed manner;

(2) the person carries the handgun while:

(A) evacuating from an area following a mandatory evacuation order issued during a state of disaster declared under Section 418.014, Government Code, or a local state of disaster declared under Section 418.108, Government Code, with respect to that area; or

(B) reentering that area following the person's evacuation;

(3) not more than 48 hours have elapsed since the mandatory evacuation order was issued, or more than 48 hours have elapsed since the mandatory evacuation order was issued and the governor has extended the period during which a person may carry a concealed handgun; and

(4) the person is not prohibited by state or federal law from possessing a firearm.

(l) For purposes of Subsection (k), "evacuating" means the immediate and urgent movement of a person away from an area that is subject to an evacuation order.

CONFERENCE

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person acting with the apparent authority of the owner, controller, or operator, authorized the carrying of the handgun;
(3) the person carrying the handgun complies with any rules and regulations of the owner, controller, or operator of the premises that govern the carrying of a handgun on the premises; and
(4) the person is not prohibited by state or federal law from possessing a firearm.

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

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

SENATE VERSION (CS)

SECTION 2. Same as House version.

SECTION 3. Same as House version.

CONFERENCE