

BILL ANALYSIS

Senate Research Center
87R15933 JSC-D

H.B. 1856
By: Hefner et al. (Campbell)
State Affairs
5/19/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been noted that an inconsistent patchwork of protections exists for lawful gun owners while traveling in Texas. There have been calls for the state to step in and ensure that Texans' Second Amendment rights are respected while staying in hotels during their travels. C.S.H.B. 1856 seeks to strengthen legal protection for lawful gun owners by prohibiting hotels from adopting certain restrictive firearms policies.

H.B. 1856 amends current law relating to carrying and storing a firearm or firearm ammunition by a hotel guest.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Subchapter C, Chapter 2155, Occupations Code, to read as follows:

SUBCHAPTER C. FIREARMS POLICY

SECTION 2. Amends Section 2155.101, Occupations Code, as follows:

Sec. 2155.101. DEFINITION. Redefines, in Subchapter C, "hotel" to mean a hotel, motel, inn, or similar business entity that offers more than 10 rooms to the public for temporary lodging for a fee.

SECTION 3. Amends Subchapter C, Chapter 2155, Occupations Code, by adding Section 2155.1025, as follows:

Sec. 2155.1025. FIREARMS POLICY. (a) Prohibits a hotel, unless possession of a handgun or other firearm or ammunition on hotel property is prohibited by state or federal law, from adopting a policy prohibiting a hotel guest from:

- (1) carrying or storing a firearm or firearm ammunition in the guest's hotel room;
- (2) carrying a firearm or firearm ammunition directly en route to or from the hotel or the guest's hotel room;
- (3) carrying a firearm or firearm ammunition directly en route to or from the guest's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests; or
- (4) carrying or storing a firearm or firearm ammunition in the guest's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests.

(b) Authorizes a hotel to adopt a policy requiring a hotel guest carrying a firearm or firearm ammunition in a common area on the hotel property to carry a handgun in a concealed manner, or carry a firearm or ammunition in a case or bag.

SECTION 4. Amends Section 30.05, Penal Code, by adding Subsection (f-4), as follows:

(f-4) Provides that it is a defense to prosecution under Section 30.05 (Criminal Trespass) that:

(1) the conduct occurred on hotel property, and the basis on which entry on that property was forbidden is that entry with a firearm or firearm ammunition was forbidden;

(2) the actor is a guest of a hotel, as defined by Section 2155.101 (Definition), Occupations Code; and

(3) the actor:

(A) carries or stores a firearm or firearm ammunition in the actor's hotel room;

(B) carries a firearm or firearm ammunition directly en route to or from the hotel or the actor's hotel room;

(C) carries a firearm or firearm ammunition directly en route to or from the actor's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests; or

(D) carries or stores a firearm or firearm ammunition in the actor's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests.

SECTION 5. Amends Section 30.06, Penal Code, by adding Subsection (e-4), as follows:

(e-4) Provides that it is a defense to prosecution under Section 30.06 (Trespass by License Holder with a Concealed Handgun) that the license holder is a guest of a hotel, as defined by Section 2155.101, Occupations Code, and the license holder:

(1) carries or stores a handgun in the license holder's hotel room;

(2) carries a handgun directly en route to or from the hotel or the license holder's hotel room;

(3) carries a handgun directly en route to or from the license holder's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests; or

(4) carries or stores a handgun in the license holder's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests.

SECTION 6. Amends Section 30.07, Penal Code, by adding Subsection (e-4), as follows:

(e-4) Provides that it is a defense to prosecution under Section 30.07 (Trespass by License Holder With an Openly Carried Handgun) that the license holder is a guest of a hotel, as defined by Section 2155.101, Occupations Code, and the license holder:

(1) carries or stores a handgun in the license holder's hotel room;

(2) carries a handgun directly en route to or from the hotel or the license holder's hotel room;

(3) carries a handgun directly en route to or from the license holder's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests; or

(4) carries or stores a handgun in the license holder's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests.

SECTION 7. Makes application of Sections 30.05, 30.06, and 30.07, Penal Code, as amended by this Act, prospective.

SECTION 8. Effective date: September 1, 2021.