

BILL ANALYSIS

C.S.H.B. 1856
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1856 amends the Occupations Code to prohibit a hotel, as defined by the bill, from adopting a policy that prohibits a hotel guest from doing the following, unless possession of a handgun or other firearm or ammunition on hotel property is prohibited by state or federal law:

- carrying or storing a firearm or firearm ammunition in the guest's hotel room or in the guest's vehicle located on the hotel property; or
- carrying a firearm or firearm ammunition directly en route to or from the hotel or to or from the guest's hotel room or vehicle located on the hotel property.

The bill 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. The bill defines "hotel" for purposes of provisions relating to hotel firearms policy as a hotel, motel, inn, or similar business entity that offers more than 10 rooms to the public for temporary lodging for a fee.

C.S.H.B. 1856 amends the Penal Code to establish the following circumstances as a defense to prosecution for criminal trespass:

- 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;
- the actor is a guest of the hotel; and
- the actor carries or stores a firearm or firearm ammunition in the actor's hotel room or vehicle located on the hotel property or carries such directly en route to or from the hotel, their hotel room, or their vehicle located on the hotel property.

The bill establishes defenses to prosecution for trespass by a handgun license holder with a concealed or openly carried handgun that the actor is a license holder who is the guest of a hotel and carries or stores a handgun in that manner.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1856 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the definition of hotel from references to the term as defined by the Tax Code to a newly defined term.

The substitute does not include the following:

- language limiting the scope of the prohibited firearms policy to hotel guests who are handgun license holders;
- a definition for "license holder" by reference to the Penal Code; or
- a provision limiting the applicability of the defense to prosecution for criminal trespass to actors who are handgun license holders.