

BILL ANALYSIS

Senate Research Center

S.B. 550
By: Springer
State Affairs
4/6/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Generally, Texas license holders can carry openly or concealed in any place not expressly prohibited by law. License holders may be subject to criminal charges for carrying a handgun in plain view, unless carried in a shoulder or belt holster specifically.

However, there are many different types of holsters:

- belly bands make it easy to conceal your firearm under your clothing;
- inside/outside waistbands. Waistband holsters are designed to sit either under your belt or outside of your belt;
- ankle holsters;
- shoulder holsters; and
- pocket holsters.

After conferring with law enforcement agencies, the critical part of carrying a firearm in Texas safely is that one house their firearm in a holster, not really the type of holster.

The bill strikes a belt or shoulder from existing law, allowing one to use any type of holster for properly carrying a gun in Texas.

As proposed, S.B. 550 amends current law relating to the manner of carrying a handgun by a person who holds a license under Subchapter H, Chapter 411, Government Code.

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 Section 46.035(a), (b), (c), and (d), Penal Code, as follows:

(a) Provides that it is an exception to the application of this subsection that the handgun was partially or wholly visible but was carried in a holster, rather than in a shoulder or belt holster, by the license holder.

(b)-(d) Makes conforming changes to these subsections.

SECTION 2. Amends Section 30.05(f), Penal Code, to make a conforming change.

SECTION 3. Amends Section 30.07(f), Penal Code, to make a conforming change.

SECTION 4. Amends Section 46.02(a-1), Penal Code, to make a conforming change.

SECTION 5. Amends Section 46.15(b), Penal Code, to make a conforming change.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2021.