87R5768 JSC-D

By:  Patterson H.B. No. 1378

A BILL TO BE ENTITLED

AN ACT

relating to required notice prohibiting firearms at certain businesses selling or serving alcoholic beverages and the prohibition on carrying certain weapons on those premises.

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

SECTION 1.  Section 104.06(c), Alcoholic Beverage Code, is amended to read as follows:

(c)  If the commission makes a determination under Subsection (a) that a holder of a license or permit receives 51 percent or more of the gross receipts of the premises from the sale or service of alcoholic beverages, except as otherwise required by this subsection the holder shall comply with the requirements of Section 411.204, Government Code, and shall continue to comply with those requirements until the commission determines that the holder receives less than 51 percent of the gross receipts of the premises from the sale or service of alcoholic beverages for on-premises consumption. A business that holds a food and beverage certificate issued under this code is not required to provide notice under Section 411.204, Government Code, regardless of the percentage of its income that is derived from the sale or service of alcoholic beverages for on-premises consumption.

SECTION 2.  Section 411.204(e), Government Code, is amended to read as follows:

(e)  This section does not apply to a business that has a food and beverage certificate issued under the Alcoholic Beverage Code, regardless of whether the business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption.

SECTION 3.  Section 46.03(a-1), Penal Code, is amended to read as follows:

(a-1)  A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a location-restricted knife:

(1)  on the premises of a business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, if the business is subject to Section 411.204(a), Government Code, and provides the notice required by that subsection [~~derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption, as determined by the Texas Alcoholic Beverage Commission under Section 104.06, Alcoholic Beverage Code~~];

(2)  on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the person is a participant in the event and a location-restricted knife is used in the event;

(3)  on the premises of a correctional facility;

(4)  on the premises of a hospital licensed under Chapter 241, Health and Safety Code, or on the premises of a nursing facility licensed under Chapter 242, Health and Safety Code, unless the person has written authorization of the hospital or nursing facility administration, as appropriate;

(5)  on the premises of a mental hospital, as defined by Section 571.003, Health and Safety Code, unless the person has written authorization of the mental hospital administration;

(6)  in an amusement park; or

(7)  on the premises of a church, synagogue, or other established place of religious worship.

SECTION 4.  Section 46.035(b), Penal Code, is amended to read as follows:

(b)  A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, on or about the license holder's person:

(1)  on the premises of a business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, if the business is subject to Section 411.204(a), Government Code, and provides the notice required by that subsection [~~derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption, as determined by the Texas Alcoholic Beverage Commission under Section 104.06, Alcoholic Beverage Code~~];

(2)  on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event;

(3)  on the premises of a correctional facility;

(4)  on the premises of a hospital licensed under Chapter 241, Health and Safety Code, or on the premises of a nursing facility licensed under Chapter 242, Health and Safety Code, unless the license holder has written authorization of the hospital or nursing facility administration, as appropriate;

(5)  in an amusement park; or

(6)  on the premises of a civil commitment facility.

SECTION 5.  Section 46.035(k), Penal Code, is repealed.

SECTION 6.  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 occurred before that date.

SECTION 7.  This Act takes effect September 1, 2021.