

By: Anchia

H.B. No. 1857

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the offense involving the carrying of handguns by
3 license holders on the premises or property of certain recreational
4 facilities.

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

6 SECTION 1. Sections 46.035(b) and (i), Penal Code, are
7 amended to read as follows:

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

13 (1) on the premises of a business that has a permit or
14 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic
15 Beverage Code, if the business derives 51 percent or more of its
16 income from the sale or service of alcoholic beverages for
17 on-premises consumption, as determined by the Texas Alcoholic
18 Beverage Commission under Section 104.06, Alcoholic Beverage Code;

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

23 (3) on the premises of a correctional facility;

24 (4) on the premises of a hospital licensed under

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

5 (5) in an amusement park; [~~or~~]

6 (6) on the premises of a civil commitment facility; or

7 (7) regardless of whether the facility is enclosed and
8 if the facility is not a premises on which an event is occurring as
9 described by Subdivision (2), on the premises or property of an
10 indoor or outdoor arena, stadium, golf course, automobile
11 racetrack, amphitheater, auditorium, theater, museum, zoo,
12 botanical garden, civic center, or convention center, unless the
13 license holder is a participant in an event conducted at the
14 facility and a handgun is used in the event.

15 (i) Subsections (b)(4), (b)(5), (b)(7), and (c) do not apply
16 if the actor was not given effective notice under Section 30.06 or
17 30.07.

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

26 SECTION 3. This Act takes effect September 1, 2021.