

By: Schaefer, White, Hefner, Guillen,
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H.B. No. 1927

Substitute the following for H.B. No. 1927:

By: White

C.S.H.B. No. 1927

A BILL TO BE ENTITLED

AN ACT

1
2 relating to provisions governing the carrying of a firearm by a
3 person who is 21 years of age or older and not otherwise prohibited
4 by state or federal law from possessing the firearm and to other
5 provisions related to the carrying, possessing, transporting, or
6 storing of a firearm or other weapon; creating criminal offenses.

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

8 SECTION 1. This Act shall be known as the Firearm Carry Act
9 of 2021.

10 SECTION 2. The Legislature of the State of Texas finds that:

11 (1) The Second Amendment of the United States
12 Constitution protects an individual right to keep and bear arms,
13 and to possess a firearm unconnected with service in a militia, and
14 to use that firearm for traditionally lawful purposes, such as
15 self-defense within the home;

16 (2) Section 23, Article I, of the Texas Constitution
17 secures for Texas citizens the right to keep and bear arms;

18 (3) persons who are currently prohibited from
19 possessing firearms under state and federal law will not gain the
20 right to possess or carry a firearm under this legislation; and

21 (4) persons who are currently prohibited from
22 possessing a firearm include: persons convicted of a felony as
23 described by the provisions of Section 46.04, Penal Code, persons
24 convicted of certain assault offenses under Section 22.01, Penal

1 Code, punishable as a Class A misdemeanor and involving a member of
2 the person's family or household, certain persons who are the
3 subject of a protective order under Section 46.04(c), Penal Code,
4 and persons meeting any of the criteria listed in 18 U.S.C. Section
5 922(g), including persons adjudicated to be mentally incompetent.

6 SECTION 3. Article 14.03, Code of Criminal Procedure, is
7 amended by adding Subsection (h) to read as follows:

8 (h)(1) A peace officer who is acting in the lawful discharge
9 of the officer's official duties may disarm a person at any time the
10 officer reasonably believes it is necessary for the protection of
11 the person, officer, or another individual. The peace officer
12 shall return the weapon to the person before discharging the person
13 from the scene if the officer determines that the person is not a
14 threat to the officer, person, or another individual and if the
15 person has not committed a violation that results in the arrest of
16 the person.

17 (2) A peace officer who is acting in the lawful
18 discharge of the officer's official duties may temporarily disarm a
19 person when the person enters a nonpublic, secure portion of a law
20 enforcement facility, if the law enforcement agency provides a
21 weapons locker where the peace officer can secure the person's
22 weapon. The peace officer shall secure the weapon in the locker and
23 shall return the weapon to the person immediately after the person
24 leaves the nonpublic, secure portion of the law enforcement
25 facility.

26 (3) For purposes of this subsection, "law enforcement
27 facility" and "nonpublic, secure portion of a law enforcement

1 facility" have the meanings assigned by Section 411.207, Government
2 Code.

3 SECTION 4. Section 37.0815(b), Education Code, is amended
4 to read as follows:

5 (b) This section does not authorize a person to possess,
6 transport, or store a handgun, a firearm, or ammunition in
7 violation of Section 37.125 of this code, Section 46.03 [~~or~~
8 ~~46.035~~], Penal Code, or other law.

9 SECTION 5. Sections 411.186(a), (c), and (d), Government
10 Code, are amended to read as follows:

11 (a) The department shall revoke a license under this section
12 if the license holder:

13 (1) was not entitled to the license at the time it was
14 issued;

15 (2) made a material misrepresentation or failed to
16 disclose a material fact in an application submitted under this
17 subchapter;

18 (3) subsequently becomes ineligible for a license
19 under Section 411.172, unless the sole basis for the ineligibility
20 is that the license holder is charged with the commission of a Class
21 A or Class B misdemeanor or equivalent offense, or of an offense
22 under Section 42.01, Penal Code, or equivalent offense, or of a
23 felony under an information or indictment;

24 (4) [~~is convicted of an offense under Section 46.035,~~
25 ~~Penal Code,~~

26 [~~5~~] is determined by the department to have engaged
27 in conduct constituting a reason to suspend a license listed in

1 Section 411.187(a) after the person's license has been previously
2 suspended twice for the same reason; or

3 (5) [~~(6)~~] submits an application fee that is
4 dishonored or reversed if the applicant fails to submit a cashier's
5 check or money order made payable to the "Department of Public
6 Safety of the State of Texas" in the amount of the dishonored or
7 reversed fee, plus \$25, within 30 days of being notified by the
8 department that the fee was dishonored or reversed.

9 (c) A license holder whose license is revoked for a reason
10 listed in Subsections (a)(1)-(4) [~~(a)(1)-(5)~~] may reapply as a new
11 applicant for the issuance of a license under this subchapter after
12 the second anniversary of the date of the revocation if the cause
13 for revocation does not exist on the date of the second anniversary.
14 If the cause for revocation exists on the date of the second
15 anniversary after the date of revocation, the license holder may
16 not apply for a new license until the cause for revocation no longer
17 exists and has not existed for a period of two years.

18 (d) A license holder whose license is revoked under
19 Subsection (a)(5) [~~(a)(6)~~] may reapply for an original or renewed
20 license at any time, provided the application fee and a dishonored
21 payment charge of \$25 is paid by cashier's check or money order made
22 payable to the "Texas Department of Public Safety."

23 SECTION 6. Section 411.203, Government Code, is amended to
24 read as follows:

25 Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does
26 not prevent or otherwise limit the right of a public or private
27 employer to prohibit persons who are licensed under this subchapter

1 from carrying a handgun on the premises of the business. In this
2 section, "premises" has the meaning assigned by Section 46.03
3 [~~46.035(f)(3)~~], Penal Code.

4 SECTION 7. Section 411.2031(a)(3), Government Code, is
5 amended to read as follows:

6 (3) "Premises" has the meaning assigned by Section
7 46.03 [~~46.035~~], Penal Code.

8 SECTION 8. Sections 411.209(a) and (j), Government Code,
9 are amended to read as follows:

10 (a) Except as provided by Subsection (i), a state agency or
11 a political subdivision of the state may not take any action,
12 including an action consisting of the provision of notice by a
13 communication described by Section 30.06 or 30.07, Penal Code, that
14 states or implies that a license holder who is carrying a handgun
15 under the authority of this subchapter is prohibited from entering
16 or remaining on a premises or other place owned or leased by the
17 governmental entity unless license holders are prohibited from
18 carrying a handgun on the premises or other place by Section 46.03
19 [~~or 46.035~~], Penal Code, or other law.

20 (j) In this section, "premises" has the meaning assigned by
21 Section 46.03 [~~46.035~~], Penal Code.

22 SECTION 9. Section 552.002(a)(1), Health and Safety Code,
23 is amended to read as follows:

24 (1) "License holder" has the meaning assigned by
25 Section 46.03 [~~46.035(f)~~], Penal Code.

26 SECTION 10. Section 773.0145(a), Health and Safety Code, is
27 amended to read as follows:

1 (a) This section applies to:

2 (1) an amusement park, as defined by Section 46.03
3 ~~[46.035]~~, Penal Code;

4 (2) a child-care facility, as defined by Section
5 42.002, Human Resources Code;

6 (3) a day camp or youth camp, as defined by Section
7 141.002;

8 (4) a private or independent institution of higher
9 education, as defined by Section 61.003, Education Code;

10 (5) a restaurant, as defined by Section 17.821,
11 Business & Commerce Code;

12 (6) a sports venue, as defined by Section 504.151,
13 Local Government Code;

14 (7) a youth center, as defined by Section 481.134; or

15 (8) subject to Subsection (b), any other entity that
16 the executive commissioner by rule designates as an entity that
17 would benefit from the possession and administration of epinephrine
18 auto-injectors.

19 SECTION 11. Section 52.062(b), Labor Code, is amended to
20 read as follows:

21 (b) Section 52.061 does not prohibit an employer from
22 prohibiting an employee who holds a license to carry a handgun under
23 Subchapter H, Chapter 411, Government Code, or who otherwise
24 lawfully possesses a firearm, from possessing a firearm the
25 employee is otherwise authorized by law to possess on the premises
26 of the employer's business. In this subsection, "premises" has the
27 meaning assigned by Section 46.03 ~~[46.035(f)(3)]~~, Penal Code.

1 SECTION 12. Section 30.05, Penal Code, is amended by
2 amending Subsections (d) and (f) and adding Subsections (d-3) and
3 (f-4) to read as follows:

4 (d) Subject to Subsection (d-3), an [Aa] offense under this
5 section is:

6 (1) a Class B misdemeanor, except as provided by
7 Subdivisions (2) and (3);

8 (2) a Class C misdemeanor, except as provided by
9 Subdivision (3), if the offense is committed:

10 (A) on agricultural land and within 100 feet of
11 the boundary of the land; or

12 (B) on residential land and within 100 feet of a
13 protected freshwater area; and

14 (3) a Class A misdemeanor if:

15 (A) the offense is committed:

16 (i) in a habitation or a shelter center;

17 (ii) on a Superfund site; or

18 (iii) on or in a critical infrastructure
19 facility;

20 (B) the offense is committed on or in property of
21 an institution of higher education and it is shown on the trial of
22 the offense that the person has previously been convicted of:

23 (i) an offense under this section relating
24 to entering or remaining on or in property of an institution of
25 higher education; or

26 (ii) an offense under Section 51.204(b)(1),
27 Education Code, relating to trespassing on the grounds of an

1 institution of higher education; or

2 (C) the person carries a deadly weapon during the
3 commission of the offense.

4 (d-3) An offense under this section is a Class C misdemeanor
5 punishable by a fine not to exceed \$200 if the person enters the
6 property, land, or building with a firearm or other weapon and the
7 sole basis on which entry on the property or land or in the building
8 was forbidden is that entry with a firearm or other weapon was
9 forbidden, except that the offense is a Class A misdemeanor if it is
10 shown on the trial of the offense that, after entering the property,
11 land, or building with the firearm or other weapon, the actor
12 personally received notice by oral communication from the owner of
13 the property, or from another person with apparent authority to act
14 for the owner, that entry with a firearm or other weapon was
15 forbidden and subsequently failed to depart.

16 (f) It is a defense to prosecution under this section that:

17 (1) the basis on which entry on the property or land or
18 in the building was forbidden is that entry with a handgun was
19 forbidden; and

20 (2) the person was carrying:

21 (A) a license issued under Subchapter H, Chapter
22 411, Government Code, to carry a handgun; and

23 (B) a handgun:

24 (i) in a concealed manner; or

25 (ii) in a [~~shoulder or belt~~] holster.

26 (f-4) It is a defense to prosecution under this section
27 that:

1 (1) the sole basis on which entry on the property or
2 land or in the building was forbidden is that entry with a firearm
3 or other weapon was forbidden; and

4 (2) the actor personally received notice by oral
5 communication from the owner of the property, or from another
6 person with apparent authority to act for the owner, that entry with
7 a firearm or other weapon was forbidden and promptly departed from
8 the property.

9 SECTION 13. Section 30.06(c)(2), Penal Code, is amended to
10 read as follows:

11 (2) "License holder" has the meaning assigned by
12 Section 46.03 [~~46.035(f)~~].

13 SECTION 14. Section 30.06(e), Penal Code, is amended to
14 read as follows:

15 (e) It is an exception to the application of this section
16 that the property on which the license holder carries a handgun is
17 owned or leased by a governmental entity and is not a premises or
18 other place on which the license holder is prohibited from carrying
19 the handgun under Section 46.03 [~~or 46.035~~].

20 SECTION 15. Section 30.07(c)(2), Penal Code, is amended to
21 read as follows:

22 (2) "License holder" has the meaning assigned by
23 Section 46.03 [~~46.035(f)~~].

24 SECTION 16. Sections 30.07(e) and (f), Penal Code, are
25 amended to read as follows:

26 (e) It is an exception to the application of this section
27 that the property on which the license holder openly carries the

1 handgun is owned or leased by a governmental entity and is not a
2 premises or other place on which the license holder is prohibited
3 from carrying the handgun under Section 46.03 [~~or 46.035~~].

4 (f) It is not a defense to prosecution under this section
5 that the handgun was carried in a [~~shoulder or belt~~] holster.

6 SECTION 17. Section 46.02, Penal Code, is amended by
7 amending Subsections (a), (a-1), and (b) and adding Subsection
8 (a-5) to read as follows:

9 (a) A person commits an offense if the person:

10 (1) intentionally, knowingly, or recklessly carries
11 on or about his or her person a handgun; [~~and~~]

12 (2) is younger than 21 years of age at the time of the
13 offense; and

14 (3) is not:

15 (A) on the person's own premises or premises
16 under the person's control; or

17 (B) inside of or directly en route to a motor
18 vehicle or watercraft that is owned by the person or under the
19 person's control.

20 (a-1) A person younger than 21 years of age commits an
21 offense if the person intentionally, knowingly, or recklessly
22 carries on or about his or her person a handgun in a motor vehicle or
23 watercraft that is owned by the person or under the person's control
24 at any time in which:

25 (1) the handgun is in plain view, unless the person is
26 licensed to carry a handgun under Subchapter H, Chapter 411,
27 Government Code, and the handgun is carried in a [~~shoulder or belt~~]

1 holster; or

2 (2) the person is:

3 (A) engaged in criminal activity, other than a
4 Class C misdemeanor that is a violation of a law or ordinance
5 regulating traffic or boating; or

6 (B) prohibited by law from possessing a firearm[+
7 ~~or~~

8 [~~(C) a member of a criminal street gang, as~~
9 ~~defined by Section 71.01].~~

10 (a-5) A person commits an offense if the person carries a
11 handgun and intentionally displays the handgun in plain view of
12 another person in a public place. It is an exception to the
13 application of this subsection that the handgun was partially or
14 wholly visible but was carried in a holster.

15 (b) Except as provided by Subsection [~~(c) or~~] (d), an
16 offense under this section is a Class A misdemeanor.

17 SECTION 18. Section 46.03, Penal Code, is amended by
18 amending Subsections (a), (c), (e-1), (e-2), and (g) and adding
19 Subsections (a-2), (a-3), (a-4), and (g-2) to read as follows:

20 (a) A person commits an offense if the person intentionally,
21 knowingly, or recklessly possesses or goes with a firearm,
22 location-restricted knife, club, or prohibited weapon listed in
23 Section 46.05(a):

24 (1) on the physical premises of a school or
25 educational institution, any grounds or building on which an
26 activity sponsored by a school or educational institution is being
27 conducted, or a passenger transportation vehicle of a school or

1 educational institution, whether the school or educational
2 institution is public or private, unless:

3 (A) pursuant to written regulations or written
4 authorization of the institution; or

5 (B) the person possesses or goes with a concealed
6 handgun that the person is licensed to carry under Subchapter H,
7 Chapter 411, Government Code, and no other weapon to which this
8 section applies, on the premises of an institution of higher
9 education or private or independent institution of higher
10 education, on any grounds or building on which an activity
11 sponsored by the institution is being conducted, or in a passenger
12 transportation vehicle of the institution;

13 (2) on the premises of a polling place on the day of an
14 election or while early voting is in progress;

15 (3) on the premises of any government court or offices
16 utilized by the court, unless pursuant to written regulations or
17 written authorization of the court;

18 (4) on the premises of a racetrack;

19 (5) in or into a secured area of an airport; ~~[or]~~

20 (6) within 1,000 feet of premises the location of
21 which is designated by the Texas Department of Criminal Justice as a
22 place of execution under Article 43.19, Code of Criminal Procedure,
23 on a day that a sentence of death is set to be imposed on the
24 designated premises and the person received notice that:

25 (A) going within 1,000 feet of the premises with
26 a weapon listed under this subsection was prohibited; or

27 (B) possessing a weapon listed under this

1 subsection within 1,000 feet of the premises was prohibited;

2 (7) on the premises of a business that has a permit or
3 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic
4 Beverage Code, if the business derives 51 percent or more of its
5 income from the sale or service of alcoholic beverages for
6 on-premises consumption, as determined by the Texas Alcoholic
7 Beverage Commission under Section 104.06, Alcoholic Beverage Code;

8 (8) on the premises where a high school, collegiate,
9 or professional sporting event or interscholastic event is taking
10 place, unless the person is a participant in the event and a
11 firearm, location-restricted knife, club, or prohibited weapon
12 listed in Section 46.05(a) is used in the event;

13 (9) on the premises of a correctional facility;

14 (10) on the premises of a civil commitment facility;

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

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

23 (13) in an amusement park.

24 (a-2) Notwithstanding Section 46.02(a-5), a license holder
25 commits an offense if the license holder carries a partially or
26 wholly visible handgun, regardless of whether the handgun is
27 holstered, on or about the license holder's person under the

1 authority of Subchapter H, Chapter 411, Government Code, and
2 intentionally or knowingly displays the handgun in plain view of
3 another person:

4 (1) on the premises of an institution of higher
5 education or private or independent institution of higher
6 education; or

7 (2) on any public or private driveway, street,
8 sidewalk or walkway, parking lot, parking garage, or other parking
9 area of an institution of higher education or private or
10 independent institution of higher education.

11 (a-3) Notwithstanding Subsection (a) or Section 46.02(a-5),
12 a license holder commits an offense if the license holder carries a
13 handgun on the campus of a private or independent institution of
14 higher education in this state that has established rules,
15 regulations, or other provisions prohibiting license holders from
16 carrying handguns pursuant to Section 411.2031(e), Government
17 Code, or on the grounds or building on which an activity sponsored
18 by such an institution is being conducted, or in a passenger
19 transportation vehicle of such an institution, regardless of
20 whether the handgun is concealed, provided the institution gives
21 effective notice under Section 30.06.

22 (a-4) Notwithstanding Subsection (a) or Section 46.02(a-5),
23 a license holder commits an offense if the license holder
24 intentionally carries a concealed handgun on a portion of a
25 premises located on the campus of an institution of higher
26 education in this state on which the carrying of a concealed handgun
27 is prohibited by rules, regulations, or other provisions

1 established under Section 411.2031(d-1), Government Code, provided
2 the institution gives effective notice under Section 30.06 with
3 respect to that portion.

4 (c) In this section:

5 (1) "Amusement park" means a permanent indoor or
6 outdoor facility or park where amusement rides are available for
7 use by the public that is located in a county with a population of
8 more than one million, encompasses at least 75 acres in surface
9 area, is enclosed with access only through controlled entries, is
10 open for operation more than 120 days in each calendar year, and has
11 security guards on the premises at all times. The term does not
12 include any public or private driveway, street, sidewalk or
13 walkway, parking lot, parking garage, or other parking area.

14 (2) "Institution of higher education" and "private or
15 independent institution of higher education" have the meanings
16 assigned by Section 61.003, Education Code.

17 (3) "License holder" means a person licensed to carry
18 a handgun under Subchapter H, Chapter 411, Government Code.

19 (4) "Premises" means a building or a portion of a
20 building. The term does not include any public or private driveway,
21 street, sidewalk or walkway, parking lot, parking garage, or other
22 parking area.

23 (5) ~~[(2) "Amusement park" and "premises" have the~~
24 ~~meanings assigned by Section 46.035.~~

25 ~~[(3)]~~ "Secured area" means an area of an airport
26 terminal building to which access is controlled by the inspection
27 of persons and property under federal law.

1 (e-1) It is a defense to prosecution under Subsection (a)(5)
2 that the actor:

3 (1) possessed, at the screening checkpoint for the
4 secured area, a ~~[concealed]~~ handgun that the actor was licensed to
5 carry under Subchapter H, Chapter 411, Government Code; and

6 (2) exited the screening checkpoint for the secured
7 area immediately upon completion of the required screening
8 processes and notification that the actor possessed the handgun.

9 (e-2) A peace officer investigating conduct that may
10 constitute an offense under Subsection (a)(5) and that consists
11 only of an actor's possession of a ~~[concealed]~~ handgun that the
12 actor is licensed to carry under Subchapter H, Chapter 411,
13 Government Code, may not arrest the actor for the offense unless:

14 (1) the officer advises the actor of the defense
15 available under Subsection (e-1) and gives the actor an opportunity
16 to exit the screening checkpoint for the secured area; and

17 (2) the actor does not immediately exit the checkpoint
18 upon completion of the required screening processes.

19 (g) Except as provided by Subsections ~~[Subsection]~~ (g-1)
20 and (g-2), an offense under this section is a felony of the third
21 degree.

22 (g-2) A offense committed under Subsection (a)(8), (a)(10),
23 (a)(11), (a)(13), (a-2), (a-3), or (a-4) is a Class A misdemeanor.

24 SECTION 19. Section 46.04, Penal Code, is amended by adding
25 Subsection (a-1) and amending Subsection (e) to read as follows:

26 (a-1) A person who is a member of a criminal street gang, as
27 defined by Section 71.01, commits an offense if the person

1 intentionally, knowingly, or recklessly carries on or about his or
2 her person a handgun in a motor vehicle or watercraft.

3 (e) An offense under Subsection (a) is a felony of the third
4 degree. An offense under Subsection (a-1), (b), or (c) is a Class A
5 misdemeanor.

6 SECTION 20. Section 46.15, Penal Code, is amended by
7 amending Subsections (b) and (l) and adding Subsection (m) to read
8 as follows:

9 (b) Sections [Section] 46.02 and 46.04(a-1) do [does] not
10 apply to a person who:

11 (1) is in the actual discharge of official duties as a
12 member of the armed forces or state military forces as defined by
13 Section 437.001, Government Code, or as a guard employed by a penal
14 institution;

15 (2) is traveling;

16 (3) is engaging in lawful hunting, fishing, or other
17 sporting activity on the immediate premises where the activity is
18 conducted, or is en route between the premises and the actor's
19 residence, motor vehicle, or watercraft, if the weapon is a type
20 commonly used in the activity;

21 (4) holds a security officer commission issued by the
22 Texas Private Security Board, if the person is engaged in the
23 performance of the person's duties as an officer commissioned under
24 Chapter 1702, Occupations Code, or is traveling to or from the
25 person's place of assignment and is wearing the officer's uniform
26 and carrying the officer's weapon in plain view;

27 (5) acts as a personal protection officer and carries

1 the person's security officer commission and personal protection
2 officer authorization, if the person:

3 (A) is engaged in the performance of the person's
4 duties as a personal protection officer under Chapter 1702,
5 Occupations Code, or is traveling to or from the person's place of
6 assignment; and

7 (B) is either:

8 (i) wearing the uniform of a security
9 officer, including any uniform or apparel described by Section
10 1702.323(d), Occupations Code, and carrying the officer's weapon in
11 plain view; or

12 (ii) not wearing the uniform of a security
13 officer and carrying the officer's weapon in a concealed manner;

14 (6) is carrying:

15 (A) a license issued under Subchapter H, Chapter
16 411, Government Code, to carry a handgun; and

17 (B) a handgun:

18 (i) in a concealed manner; or

19 (ii) in a [~~shoulder or belt~~] holster;

20 (7) holds an alcoholic beverage permit or license or
21 is an employee of a holder of an alcoholic beverage permit or
22 license if the person is supervising the operation of the permitted
23 or licensed premises; or

24 (8) is a student in a law enforcement class engaging in
25 an activity required as part of the class, if the weapon is a type
26 commonly used in the activity and the person is:

27 (A) on the immediate premises where the activity

1 is conducted; or

2 (B) en route between those premises and the
3 person's residence and is carrying the weapon unloaded.

4 (1) Sections 46.02 and~~[7]~~ 46.03(a)(1), (a)(2), (a)(3), and
5 (a)(4) [~~, and 46.035(a), (a-1), (a-2), (a-3), (b)(1), (b)(5), and~~
6 ~~(b)(6)] do not apply to a person who carries a handgun if:~~

7 (1) the person carries the handgun on the premises, as
8 defined by the statute providing the applicable offense, of a
9 location operating as an emergency shelter during a state of
10 disaster declared under Section 418.014, Government Code, or a
11 local state of disaster declared under Section 418.108, Government
12 Code;

13 (2) the owner, controller, or operator of the premises
14 or a person acting with the apparent authority of the owner,
15 controller, or operator, authorized the carrying of the handgun;

16 (3) the person carrying the handgun complies with any
17 rules and regulations of the owner, controller, or operator of the
18 premises that govern the carrying of a handgun on the premises; and

19 (4) the person is not prohibited by state or federal
20 law from possessing a firearm.

21 (m) Section 46.03 does not apply to a person unless the
22 person:

23 (1) personally received notice by oral communication
24 from the owner of the property, or from another person with apparent
25 authority to act for the owner, that carrying a weapon on the
26 property was prohibited; and

27 (2) subsequently failed to depart.

1 SECTION 21. The following provisions are repealed:

- 2 (1) Section 11.041, Alcoholic Beverage Code;
- 3 (2) Section 11.61(e), Alcoholic Beverage Code;
- 4 (3) Section 61.11, Alcoholic Beverage Code;
- 5 (4) Section 61.71(f), Alcoholic Beverage Code;
- 6 (5) Section 411.198(b), Government Code;
- 7 (6) Section 411.204(d), Government Code;
- 8 (7) Section 411.206(c), Government Code;
- 9 (8) Section 46.02(c), Penal Code;
- 10 (9) Section 46.03(a-1), Penal Code; and
- 11 (10) Section 46.035, Penal Code.

12 SECTION 22. The changes in law made by this Act apply only
13 to an offense committed on or after the effective date of this Act.
14 An offense committed before the effective date of this Act is
15 governed by the law in effect on the date the offense was committed,
16 and the former law is continued in effect for that purpose. For
17 purposes of this section, an offense was committed before the
18 effective date of this Act if any element of the offense occurred
19 before that date.

20 SECTION 23. This Act takes effect September 1, 2021.