

1-1 By: Metcalf, et al. (Senate Sponsor - Springer) H.B. No. 2112
 1-2 (In the Senate - Received from the House May 3, 2021;
 1-3 May 6, 2021, read first time and referred to Committee on State
 1-4 Affairs; May 10, 2021, reported favorably by the following vote:
 1-5 Yeas 7, Nays 0; May 10, 2021, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|-----------------|-----|-----|--------|-----|
| 1-7 Hughes | X | | | |
| 1-8 Birdwell | X | | | |
| 1-9 Campbell | X | | | |
| 1-10 Hall | X | | | |
| 1-11 Lucio | X | | | |
| 1-12 Nelson | | | X | |
| 1-13 Powell | X | | | |
| 1-14 Schwertner | X | | | |
| 1-15 Zaffirini | | | X | |

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the carrying of holstered handguns by handgun license
 1-20 holders.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 30.05(f), Penal Code, is amended to read
 1-23 as follows:

1-24 (f) It is a defense to prosecution under this section that:

1-25 (1) the basis on which entry on the property or land or
 1-26 in the building was forbidden is that entry with a handgun was
 1-27 forbidden; and

1-28 (2) the person was carrying:

1-29 (A) a license issued under Subchapter H, Chapter
 1-30 411, Government Code, to carry a handgun; and

1-31 (B) a handgun:

1-32 (i) in a concealed manner; or

1-33 (ii) in a ~~shoulder or belt~~ holster.

1-34 SECTION 2. Section 30.07(f), Penal Code, is amended to read
 1-35 as follows:

1-36 (f) It is not a defense to prosecution under this section
 1-37 that the handgun was carried in a ~~shoulder or belt~~ holster.

1-38 SECTION 3. Section 46.02(a-1), Penal Code, is amended to
 1-39 read as follows:

1-40 (a-1) A person commits an offense if the person
 1-41 intentionally, knowingly, or recklessly carries on or about his or
 1-42 her person a handgun in a motor vehicle or watercraft that is owned
 1-43 by the person or under the person's control at any time in which:

1-44 (1) the handgun is in plain view, unless the person is
 1-45 licensed to carry a handgun under Subchapter H, Chapter 411,
 1-46 Government Code, and the handgun is carried in a ~~shoulder or belt~~
 1-47 holster; or

1-48 (2) the person is:

1-49 (A) engaged in criminal activity, other than a
 1-50 Class C misdemeanor that is a violation of a law or ordinance
 1-51 regulating traffic or boating;

1-52 (B) prohibited by law from possessing a firearm;
 1-53 or

1-54 (C) a member of a criminal street gang, as
 1-55 defined by Section 71.01.

1-56 SECTION 4. Sections 46.035(a), (b), (c), and (d), Penal
 1-57 Code, are amended to read as follows:

1-58 (a) A license holder commits an offense if the license
 1-59 holder carries a handgun on or about the license holder's person
 1-60 under the authority of Subchapter H, Chapter 411, Government Code,
 1-61 and intentionally displays the handgun in plain view of another

2-1 person in a public place. It is an exception to the application of
 2-2 this subsection that the handgun was partially or wholly visible
 2-3 but was carried in a [~~shoulder or belt~~] holster by the license
 2-4 holder.

2-5 (b) A license holder commits an offense if the license
 2-6 holder intentionally, knowingly, or recklessly carries a handgun
 2-7 under the authority of Subchapter H, Chapter 411, Government Code,
 2-8 regardless of whether the handgun is concealed or carried in a
 2-9 [~~shoulder or belt~~] holster, on or about the license holder's
 2-10 person:

2-11 (1) on the premises of a business that has a permit or
 2-12 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic
 2-13 Beverage Code, if the business derives 51 percent or more of its
 2-14 income from the sale or service of alcoholic beverages for
 2-15 on-premises consumption, as determined by the Texas Alcoholic
 2-16 Beverage Commission under Section 104.06, Alcoholic Beverage Code;

2-17 (2) on the premises where a high school, collegiate,
 2-18 or professional sporting event or interscholastic event is taking
 2-19 place, unless the license holder is a participant in the event and a
 2-20 handgun is used in the event;

2-21 (3) on the premises of a correctional facility;

2-22 (4) on the premises of a hospital licensed under
 2-23 Chapter 241, Health and Safety Code, or on the premises of a nursing
 2-24 facility licensed under Chapter 242, Health and Safety Code, unless
 2-25 the license holder has written authorization of the hospital or
 2-26 nursing facility administration, as appropriate;

2-27 (5) in an amusement park; or

2-28 (6) on the premises of a civil commitment facility.

2-29 (c) A license holder commits an offense if the license
 2-30 holder intentionally, knowingly, or recklessly carries a handgun
 2-31 under the authority of Subchapter H, Chapter 411, Government Code,
 2-32 regardless of whether the handgun is concealed or carried in a
 2-33 [~~shoulder or belt~~] holster, in the room or rooms where a meeting of
 2-34 a governmental entity is held and if the meeting is an open meeting
 2-35 subject to Chapter 551, Government Code, and the entity provided
 2-36 notice as required by that chapter.

2-37 (d) A license holder commits an offense if, while
 2-38 intoxicated, the license holder carries a handgun under the
 2-39 authority of Subchapter H, Chapter 411, Government Code, regardless
 2-40 of whether the handgun is concealed or carried in a [~~shoulder or
 2-41 belt~~] holster.

2-42 SECTION 5. Section 46.15(b), Penal Code, is amended to read
 2-43 as follows:

2-44 (b) Section 46.02 does not apply to a person who:

2-45 (1) is in the actual discharge of official duties as a
 2-46 member of the armed forces or state military forces as defined by
 2-47 Section 437.001, Government Code, or as a guard employed by a penal
 2-48 institution;

2-49 (2) is traveling;

2-50 (3) is engaging in lawful hunting, fishing, or other
 2-51 sporting activity on the immediate premises where the activity is
 2-52 conducted, or is en route between the premises and the actor's
 2-53 residence, motor vehicle, or watercraft, if the weapon is a type
 2-54 commonly used in the activity;

2-55 (4) holds a security officer commission issued by the
 2-56 Texas Private Security Board, if the person is engaged in the
 2-57 performance of the person's duties as an officer commissioned under
 2-58 Chapter 1702, Occupations Code, or is traveling to or from the
 2-59 person's place of assignment and is wearing the officer's uniform
 2-60 and carrying the officer's weapon in plain view;

2-61 (5) acts as a personal protection officer and carries
 2-62 the person's security officer commission and personal protection
 2-63 officer authorization, if the person:

2-64 (A) is engaged in the performance of the person's
 2-65 duties as a personal protection officer under Chapter 1702,
 2-66 Occupations Code, or is traveling to or from the person's place of
 2-67 assignment; and

2-68 (B) is either:

2-69 (i) wearing the uniform of a security

3-1 officer, including any uniform or apparel described by Section
3-2 1702.323(d), Occupations Code, and carrying the officer's weapon in
3-3 plain view; or

3-4 (ii) not wearing the uniform of a security
3-5 officer and carrying the officer's weapon in a concealed manner;

3-6 (6) is carrying:

3-7 (A) a license issued under Subchapter H, Chapter
3-8 411, Government Code, to carry a handgun; and

3-9 (B) a handgun:

3-10 (i) in a concealed manner; or

3-11 (ii) in a ~~[shoulder or belt]~~ holster;

3-12 (7) holds an alcoholic beverage permit or license or
3-13 is an employee of a holder of an alcoholic beverage permit or
3-14 license if the person is supervising the operation of the permitted
3-15 or licensed premises; or

3-16 (8) is a student in a law enforcement class engaging in
3-17 an activity required as part of the class, if the weapon is a type
3-18 commonly used in the activity and the person is:

3-19 (A) on the immediate premises where the activity
3-20 is conducted; or

3-21 (B) en route between those premises and the
3-22 person's residence and is carrying the weapon unloaded.

3-23 SECTION 6. The change in law made by this Act applies only
3-24 to an offense committed on or after the effective date of this Act.
3-25 An offense committed before the effective date of this Act is
3-26 governed by the law in effect on the date the offense was committed,
3-27 and the former law is continued in effect for that purpose. For
3-28 purposes of this section, an offense was committed before the
3-29 effective date of this Act if any element of the offense occurred
3-30 before that date.

3-31 SECTION 7. This Act takes effect September 1, 2021.

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