

1-1 By: Springer S.B. No. 550  
 1-2 (In the Senate - Filed February 1, 2021; March 11, 2021,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 April 9, 2021, reported favorably by the following vote: Yeas 7,  
 1-5 Nays 0; April 9, 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 manner of carrying a handgun by a person who holds a  
 1-20 license under Subchapter H, Chapter 411, Government Code.

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

1-22 SECTION 1. Sections 46.035(a), (b), (c), and (d), Penal  
 1-23 Code, are amended to read as follows:

1-24 (a) A license holder commits an offense if the license  
 1-25 holder carries a handgun on or about the license holder's person  
 1-26 under the authority of Subchapter H, Chapter 411, Government Code,  
 1-27 and intentionally displays the handgun in plain view of another  
 1-28 person in a public place. It is an exception to the application of  
 1-29 this subsection that the handgun was partially or wholly visible  
 1-30 but was carried in a [~~shoulder or belt~~] holster by the license  
 1-31 holder.

1-32 (b) A license holder commits an offense if the license  
 1-33 holder intentionally, knowingly, or recklessly carries a handgun  
 1-34 under the authority of Subchapter H, Chapter 411, Government Code,  
 1-35 regardless of whether the handgun is concealed or carried in a  
 1-36 [~~shoulder or belt~~] holster, on or about the license holder's  
 1-37 person:

1-38 (1) on the premises of a business that has a permit or  
 1-39 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic  
 1-40 Beverage Code, if the business derives 51 percent or more of its  
 1-41 income from the sale or service of alcoholic beverages for  
 1-42 on-premises consumption, as determined by the Texas Alcoholic  
 1-43 Beverage Commission under Section 104.06, Alcoholic Beverage Code;

1-44 (2) on the premises where a high school, collegiate,  
 1-45 or professional sporting event or interscholastic event is taking  
 1-46 place, unless the license holder is a participant in the event and a  
 1-47 handgun is used in the event;

1-48 (3) on the premises of a correctional facility;

1-49 (4) on the premises of a hospital licensed under  
 1-50 Chapter 241, Health and Safety Code, or on the premises of a nursing  
 1-51 facility licensed under Chapter 242, Health and Safety Code, unless  
 1-52 the license holder has written authorization of the hospital or  
 1-53 nursing facility administration, as appropriate;

1-54 (5) in an amusement park; or

1-55 (6) on the premises of a civil commitment facility.

1-56 (c) A license holder commits an offense if the license  
 1-57 holder intentionally, knowingly, or recklessly carries a handgun  
 1-58 under the authority of Subchapter H, Chapter 411, Government Code,  
 1-59 regardless of whether the handgun is concealed or carried in a  
 1-60 [~~shoulder or belt~~] holster, in the room or rooms where a meeting of  
 1-61 a governmental entity is held and if the meeting is an open meeting

2-1 subject to Chapter 551, Government Code, and the entity provided  
2-2 notice as required by that chapter.

2-3 (d) A license holder commits an offense if, while  
2-4 intoxicated, the license holder carries a handgun under the  
2-5 authority of Subchapter H, Chapter 411, Government Code, regardless  
2-6 of whether the handgun is concealed or carried in a [~~shoulder or~~  
2-7 ~~belt~~] holster.

2-8 SECTION 2. Section 30.05(f), Penal Code, is amended to read  
2-9 as follows:

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

2-11 (1) the basis on which entry on the property or land or  
2-12 in the building was forbidden is that entry with a handgun was  
2-13 forbidden; and

2-14 (2) the person was carrying:

2-15 (A) a license issued under Subchapter H, Chapter  
2-16 411, Government Code, to carry a handgun; and

2-17 (B) a handgun:

2-18 (i) in a concealed manner; or

2-19 (ii) in a [~~shoulder or belt~~] holster.

2-20 SECTION 3. Section 30.07(f), Penal Code, is amended to read  
2-21 as follows:

2-22 (f) It is not a defense to prosecution under this section  
2-23 that the handgun was carried in a [~~shoulder or belt~~] holster.

2-24 SECTION 4. Section 46.02(a-1), Penal Code, is amended to  
2-25 read as follows:

2-26 (a-1) A person commits an offense if the person  
2-27 intentionally, knowingly, or recklessly carries on or about his or  
2-28 her person a handgun in a motor vehicle or watercraft that is owned  
2-29 by the person or under the person's control at any time in which:

2-30 (1) the handgun is in plain view, unless the person is  
2-31 licensed to carry a handgun under Subchapter H, Chapter 411,  
2-32 Government Code, and the handgun is carried in a [~~shoulder or belt~~]  
2-33 holster; or

2-34 (2) the person is:

2-35 (A) engaged in criminal activity, other than a  
2-36 Class C misdemeanor that is a violation of a law or ordinance  
2-37 regulating traffic or boating;

2-38 (B) prohibited by law from possessing a firearm;  
2-39 or

2-40 (C) a member of a criminal street gang, as  
2-41 defined by Section 71.01.

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

(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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