

By: Springer

S.B. No. 1974

A BILL TO BE ENTITLED

AN ACT

relating to provisions relating to possession or carrying of a handgun by a person who is a member of a criminal street gang.

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

SECTION 1. Article 67.052, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) If any criminal information submitted under this article relates to a person who holds a license to carry a handgun under Subchapter H, Chapter 411, Government Code, the department shall promptly provide to the license holder by certified mail to the license holder's address:

(1) notification regarding the inclusion of the license holder's information in the department's intelligence database; and

(2) a description of the process for disputing the inclusion of information in the database.

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

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

(1) the handgun is in plain view, unless the person is licensed to carry a handgun under Subchapter H, Chapter 411,

1 Government Code, and the handgun is carried in a shoulder or belt  
2 holster; or

3 (2) the person [~~is~~]:

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

7 (B) is prohibited by law from possessing a  
8 firearm; or

9 (C) has been previously convicted of an offense  
10 for which the judgment in the case contains an affirmative finding  
11 under Article 42.0197, Code of Criminal Procedure [~~a member of a~~  
12 ~~criminal street gang, as defined by Section 71.01~~].

13 SECTION 3. Article 67.052(c), Code of Criminal Procedure,  
14 as added by this Act, applies only to a handgun license holder whose  
15 criminal information is submitted on or after the effective date of  
16 this Act to the intelligence database maintained by the Department  
17 of Public Safety of the State of Texas.

18 SECTION 4. Section 46.02(a-1), Penal Code, as amended by  
19 this Act, applies only to an offense committed on or after the  
20 effective date of this Act. An offense committed before the  
21 effective date of this Act is governed by the law in effect on the  
22 date the offense was committed, and the former law is continued in  
23 effect for that purpose. For purposes of this section, an offense  
24 was committed before the effective date of this Act if any element  
25 of the offense occurred before that date.

26 SECTION 5. This Act takes effect September 1, 2021.