By: Anchía H.B. No. 2281

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain municipalities to prohibit openly carrying a handgun within the municipality.

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

SECTION 1. Section 411.209(i), Government Code, is amended to read as follows:

(i) Subsection (a) does not apply to:

(1) a written notice provided by a state hospital under Section 552.002, Health and Safety Code; or

(2) an ordinance adopted by a municipality under Section 229.005, Local Government Code, prohibiting openly carrying a handgun within the corporate boundaries of the municipality and any signs or notices referring to that prohibition.

SECTION 2. Section 229.001, Local Government Code, is amended by adding Subsection (b-2) to read as follows:

(b-2) Subsection (a) does not affect the authority of a municipality under Section 229.005 to regulate the open carrying of a handgun as provided by that section.

SECTION 3. Subchapter A, Chapter 229, Local Government Code, is amended by adding Section 229.005 to read as follows:

Sec. 229.005. REGULATION OF OPEN CARRYING OF HANDGUN BY CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality with a population of more than 500,000.

(b) The governing body of a municipality described by Subsection (a) shall order an election to be held on the question of whether to prohibit a person from carrying a wholly or partially visible handgun within the corporate boundaries of the municipality if a petition requesting the election is submitted to the governing body and is signed by a number of registered voters of the municipality equal to at least 10 percent of the number of voters participating in the last general election held in the municipality.

(c) An election under this section must be held on the first authorized uniform election date prescribed by Chapter 41, Election Code, that occurs after the date the election is ordered and that allows sufficient time to comply with other requirements of law.

(d) The ballot in an election under this section shall be printed to provide for voting for or against the proposition: "Prohibiting a person from openly carrying a handgun within the city limits of _____ (name of municipality)."

(e) If a majority of those voting at the election vote in favor of the proposition, the governing body of the municipality shall adopt an ordinance prohibiting a person from carrying a wholly or partially visible handgun within the corporate boundaries of the municipality.

SECTION 4. Section 46.02, Penal Code, is amended by adding Subsection (f) to read as follows:

(f) The exception provided by Subsection (a-5) does not apply to a person who is carrying a partially or wholly visible handgun in a municipality with an ordinance that was adopted under

Section 229.005, Local Government Code, and is in effect at the time of the offense.

SECTION 5. The change in law made by this Act in adding Section 46.02(f), Penal Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 6. Section 411.209, Government Code, as amended by this Act, applies only to conduct that occurs on or after the effective date of this Act.

SECTION 7. This Act takes effect September 1, 2023.