

By: \_\_\_\_\_ .B. No. \_\_\_\_\_

Substitute the following for \_\_\_\_B. No. \_\_\_\_\_:

By: \_\_\_\_\_ C.S.\_\_\_\_.B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to eligibility requirements for a license to carry a  
3 handgun, granting authority to carry a firearm to an unlicensed  
4 person who otherwise meets certain requirements for a handgun  
5 license, and related regulatory provisions and criminal offenses.

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

7 SECTION 1. Chapter 28, Code of Criminal Procedure, is  
8 amended by adding Article 28.15 to read as follows:

9 Art. 28.15. MOTION REGARDING LICENSE TO CARRY HANDGUN. (a)  
10 If a defendant's eligibility for a license to carry a handgun would  
11 be affected by a criminal charge pending against the defendant in  
12 this state, the defendant may file with the court in which the  
13 charge is pending a petition for an order under this article  
14 authorizing the defendant to hold a license to carry a handgun if  
15 the defendant is able to satisfy all other applicable eligibility  
16 requirements for holding the license.

17 (b) In determining whether to issue an order under this  
18 article, the court shall consider:

19 (1) the nature of the offense with which the defendant  
20 is charged;

21 (2) the criminal history record information of the  
22 defendant; and

23 (3) any potential risks to public safety.

24 (c) A defendant whose license to carry a handgun is

1 suspended because of the charge described by Subsection (a) may  
2 present to the Department of Public Safety a copy of an order issued  
3 under this article. On receipt of the copy, the department shall  
4 reinstate the suspended license, provided that the defendant is  
5 otherwise eligible to hold the license.

6 (d) A defendant who does not hold a license to carry a  
7 handgun may submit with the defendant's application materials a  
8 copy of an order issued under this article. The Department of  
9 Public Safety may not deny the issuance of a license based solely on  
10 a charged offense that is the subject of an order issued under this  
11 article.

12 (e) The court may rescind an order issued under this article  
13 on the motion of the attorney representing the state or on the  
14 court's own motion. If the court rescinds the order, the court  
15 shall immediately notify the appropriate division of the Department  
16 of Public Safety.

17 (f) On receipt of a notice of a rescinded order under  
18 Subsection (e), the Department of Public Safety shall, while the  
19 charge is pending:

20 (1) suspend the handgun license of the defendant; or  
21 (2) if the defendant does not have a handgun license,  
22 deny any application the defendant submits for a license.

23 (g) An order may be issued under this article only with  
24 respect to a single pending criminal charge.

25 SECTION 2. The heading to Subchapter H, Chapter 411,  
26 Government Code, is amended to read as follows:

27 SUBCHAPTER H. LICENSE TO CARRY [A] HANDGUN AND OTHER PROVISIONS

1                                    RELATING TO CARRYING OF FIREARMS

2            SECTION 3. Section 411.172(a), Government Code, is amended  
3 to read as follows:

4            (a) A person is eligible for a license to carry a handgun if  
5 the person:

6                    (1) is a legal resident of this state for the six-month  
7 period preceding the date of application under this subchapter or  
8 is otherwise eligible for a license under Section 411.173(a);

9                    (2) is at least 21 years of age;

10                   (3) has not been convicted of a felony;

11                   (4) is not charged with the commission of [~~a Class A or~~  
12 ~~Class B misdemeanor or equivalent offense, or of an offense under~~  
13 ~~Section 42.01, Penal Code, or equivalent offense, or of]~~ a felony  
14 under an information or indictment, unless a court order has been  
15 issued under Article 28.15, Code of Criminal Procedure, relating to  
16 that offense;

17                   (5) is not a fugitive from justice for a felony or a  
18 Class A or Class B misdemeanor or equivalent offense;

19                   (6) is not a chemically dependent person;

20                   (7) is not incapable of exercising sound judgment with  
21 respect to the proper use and storage of a handgun;

22                   (8) [~~has not, in the five years preceding the date of~~  
23 ~~application, been convicted of a Class A or Class B misdemeanor or~~  
24 ~~equivalent offense or of an offense under Section 42.01, Penal~~  
25 ~~Code, or equivalent offense,~~

26                   [(9)] is fully qualified under applicable federal and  
27 state law to purchase a handgun;

1           ~~[(10) has not been finally determined to be delinquent~~  
2 ~~in making a child support payment administered or collected by the~~  
3 ~~attorney general,~~

4           ~~[(11) has not been finally determined to be delinquent~~  
5 ~~in the payment of a tax or other money collected by the comptroller,~~  
6 ~~the tax collector of a political subdivision of the state, or any~~  
7 ~~agency or subdivision of the state,]~~

8           (9) ~~[(12)]~~ is not currently restricted under a court  
9 protective order or subject to a restraining order affecting the  
10 spousal relationship, other than a restraining order solely  
11 affecting property interests;

12           (10) ~~[(13)]~~ has not, in the 10 years preceding the  
13 date of application, been adjudicated as having engaged in  
14 delinquent conduct violating a penal law of the grade of felony; and

15           (11) ~~[(14)]~~ has not made any material  
16 misrepresentation, or failed to disclose any material fact, in an  
17 application submitted pursuant to Section 411.174.

18           SECTION 4. Section 411.174(a), Government Code, is amended  
19 to read as follows:

20           (a) An applicant for a license to carry a handgun must  
21 submit to the director's designee described by Section 411.176:

22           (1) a completed application on a form provided by the  
23 department that requires only the information listed in Subsection  
24 (b);

25           (2) one or more photographs of the applicant that meet  
26 the requirements of the department;

27           (3) a certified copy of the applicant's birth

1 certificate or certified proof of age;

2 (4) proof of residency in this state;

3 (5) two complete sets of legible and classifiable  
4 fingerprints of the applicant taken by a person appropriately  
5 trained in recording fingerprints who is employed by a law  
6 enforcement agency or by a private entity designated by a law  
7 enforcement agency as an entity qualified to take fingerprints of  
8 an applicant for a license under this subchapter;

9 (6) a nonrefundable application and license fee of  
10 \$140 paid to the department;

11 (7) evidence of handgun proficiency, in the form and  
12 manner required by the department;

13 (8) an affidavit signed by the applicant stating that  
14 the applicant:

15 (A) has read and understands each provision of  
16 this subchapter that creates an offense under the laws of this state  
17 and each provision of the laws of this state related to use of  
18 deadly force; and

19 (B) fulfills all the eligibility requirements  
20 listed under Section 411.172; ~~and~~

21 (9) a form executed by the applicant that authorizes  
22 the director to make an inquiry into any noncriminal history  
23 records that are necessary to determine the applicant's eligibility  
24 for a license under Section 411.172(a); and

25 (10) a copy of a court order issued under Article  
26 28.15, Code of Criminal Procedure, if the applicant would otherwise  
27 be ineligible for the license under Section 411.172(a)(4).

1 SECTION 5. Sections 411.1741(a) and (b), Government Code,  
2 are amended to read as follows:

3 (a) When a person applies for an original or renewal license  
4 to carry a [~~concealed~~] handgun under this subchapter, the person  
5 may make a voluntary contribution in any amount to the fund for  
6 veterans' assistance established by Section 434.017.

7 (b) The department shall:

8 (1) include space on the first page of each  
9 application for an original or renewal license to carry a  
10 [~~concealed~~] handgun that allows a person applying for an original  
11 or renewal license to carry a [~~concealed~~] handgun to indicate the  
12 amount that the person is voluntarily contributing to the fund; and

13 (2) provide an opportunity for the person to  
14 contribute to the fund during the application process for an  
15 original or renewal license to carry a [~~concealed~~] handgun on the  
16 department's Internet website.

17 SECTION 6. Section 411.186(a), Government Code, is amended  
18 to read as follows:

19 (a) The department shall revoke a license under this section  
20 if the license holder:

21 (1) was not entitled to the license at the time it was  
22 issued;

23 (2) made a material misrepresentation or failed to  
24 disclose a material fact in an application submitted under this  
25 subchapter;

26 (3) subsequently becomes ineligible for a license  
27 under Section 411.172, unless the sole basis for the ineligibility

1 is that the license holder is charged with the commission of [~~a~~  
2 ~~Class A or Class B misdemeanor or equivalent offense, or of an~~  
3 ~~offense under Section 42.01, Penal Code, or equivalent offense, or~~  
4 ~~of~~] a felony under an information or indictment;

5 (4) is convicted of an offense under Section 46.035,  
6 Penal Code;

7 (5) is determined by the department to have engaged in  
8 conduct constituting a reason to suspend a license listed in  
9 Section 411.187(a) after the person's license has been previously  
10 suspended twice for the same reason; or

11 (6) submits an application fee that is dishonored or  
12 reversed if the applicant fails to submit a cashier's check or money  
13 order made payable to the "Department of Public Safety of the State  
14 of Texas" in the amount of the dishonored or reversed fee, plus \$25,  
15 within 30 days of being notified by the department that the fee was  
16 dishonored or reversed.

17 SECTION 7. Sections 411.187(a) and (c), Government Code,  
18 are amended to read as follows:

19 (a) The department shall suspend a license under this  
20 section if the license holder:

21 (1) is charged with the commission of [~~a Class A or~~  
22 ~~Class B misdemeanor or equivalent offense, or of an offense under~~  
23 ~~Section 42.01, Penal Code, or equivalent offense, or of~~] a felony  
24 under an information or indictment, unless a court order has been  
25 issued under Article 28.15, Code of Criminal Procedure, relating to  
26 that offense;

27 (2) fails to notify the department of a change of

1 address, name, or status as required by Section 411.181;

2 (3) commits an act of family violence and is the  
3 subject of an active protective order rendered under Title 4,  
4 Family Code; or

5 (4) is arrested for an offense involving family  
6 violence or an offense under Section 42.072, Penal Code, and is the  
7 subject of an order for emergency protection issued under Article  
8 17.292, Code of Criminal Procedure.

9 (c) The department shall suspend a license under this  
10 section:

11 (1) for 30 days, if the person's license is subject to  
12 suspension for a reason listed in Subsection (a)(2), (3), or (4),  
13 except as provided by Subdivision (2);

14 (2) for not less than one year and not more than three  
15 years, if the person's license:

16 (A) is subject to suspension for a reason listed  
17 in Subsection (a), other than the reason listed in Subsection  
18 (a)(1); and

19 (B) has been previously suspended for the same  
20 reason;

21 (3) until the earlier of:

22 (A) the date of dismissal of the charges, if the  
23 person's license is subject to suspension for the reason listed in  
24 Subsection (a)(1); or

25 (B) the date the person provides the department  
26 with a copy of a court order issued under Article 28.15, Code of  
27 Criminal Procedure, relating to the offense charged; or



1 (4) for the duration of or the period specified by:

2 (A) the protective order issued under Title 4,  
3 Family Code, if the person's license is subject to suspension for  
4 the reason listed in Subsection (a)(3) [~~(a)(5)~~]; or

5 (B) the order for emergency protection issued  
6 under Article 17.292, Code of Criminal Procedure, if the person's  
7 license is subject to suspension for the reason listed in  
8 Subsection (a)(4) [~~(a)(6)~~].

9 SECTION 8. Sections 411.201(c) and (d), Government Code,  
10 are amended to read as follows:

11 (c) An active judicial officer is eligible for a license to  
12 carry a handgun under the authority of this subchapter. A retired  
13 judicial officer is eligible for a license to carry a handgun under  
14 the authority of this subchapter if the officer:

15 (1) has not been convicted of a felony;

16 (2) [~~has not, in the five years preceding the date of~~  
17 ~~application, been convicted of a Class A or Class B misdemeanor or~~  
18 ~~equivalent offense,~~

19 [~~(3)~~] is not charged with the commission of [~~a Class A~~  
20 ~~or Class B misdemeanor or equivalent offense or of~~] a felony under  
21 an information or indictment, unless a court order has been issued  
22 under Article 28.15, Code of Criminal Procedure, relating to that  
23 offense;

24 (3) [~~(4)~~] is not a chemically dependent person; and

25 (4) [~~(5)~~] is not a person of unsound mind.

26 (d) An applicant for a license who is an active or retired  
27 judicial officer must submit to the department:

1           (1) a completed application, including all required  
2 affidavits, on a form prescribed by the department;

3           (2) one or more photographs of the applicant that meet  
4 the requirements of the department;

5           (3) two complete sets of legible and classifiable  
6 fingerprints of the applicant, including one set taken by a person  
7 employed by a law enforcement agency who is appropriately trained  
8 in recording fingerprints;

9           (4) evidence of handgun proficiency, in the form and  
10 manner required by the department for an applicant under this  
11 section;

12           (5) a nonrefundable application and license fee set by  
13 the department in an amount reasonably designed to cover the  
14 administrative costs associated with issuance of a license to carry  
15 a handgun under this subchapter; ~~and~~

16           (6) if the applicant is a retired judicial officer, a  
17 form executed by the applicant that authorizes the department to  
18 make an inquiry into any noncriminal history records that are  
19 necessary to determine the applicant's eligibility for a license  
20 under this subchapter; and

21           (7) a copy of a court order issued under Article 28.15,  
22 Code of Criminal Procedure, if the applicant would otherwise be  
23 ineligible for the license under Subsection (c)(2).

24           SECTION 9. Section 411.204(c), Government Code, is amended  
25 to read as follows:

26           (c) The sign required under Subsections (a) and (b) must  
27 give notice in both English and Spanish that it is unlawful for a

1 person, including a person licensed under this subchapter or a  
2 person otherwise legally authorized to carry a handgun, to carry a  
3 handgun on the premises. The sign must appear in contrasting colors  
4 with block letters at least one inch in height and must include on  
5 its face the number "51" printed in solid red at least five inches  
6 in height. The sign shall be displayed in a conspicuous manner  
7 clearly visible to the public.

8 SECTION 10. Sections 411.207(b) and (c), Government Code,  
9 are amended to read as follows:

10 (b) A peace officer who is acting in the lawful discharge of  
11 the officer's official duties may temporarily disarm a person who  
12 is a license holder or otherwise legally authorized to carry a  
13 handgun when the person [~~a license holder~~] enters a nonpublic,  
14 secure portion of a law enforcement facility, if the law  
15 enforcement agency provides a gun locker where the peace officer  
16 can secure the person's [~~license holder's~~] handgun. The peace  
17 officer shall secure the handgun in the locker and shall return the  
18 handgun to the person [~~license holder~~] immediately after the person  
19 [~~license holder~~] leaves the nonpublic, secure portion of the law  
20 enforcement facility.

21 (c) A law enforcement facility shall prominently display at  
22 each entrance to a nonpublic, secure portion of the facility a sign  
23 that gives notice in both English and Spanish that, under this  
24 section, a peace officer may temporarily disarm a person who is a  
25 license holder or otherwise legally authorized to carry a handgun  
26 when the person [~~license holder~~] enters the nonpublic, secure  
27 portion of the facility. The sign must appear in contrasting colors

1 with block letters at least one inch in height. The sign shall be  
2 displayed in a clearly visible and conspicuous manner.

3 SECTION 11. Section 42.042(e-2), Human Resources Code, is  
4 amended to read as follows:

5 (e-2) The department may not prohibit the foster parent of a  
6 child who resides in the foster family's home from transporting the  
7 child in a vehicle where a handgun is present if the handgun is in  
8 the possession and control of the foster parent and the foster  
9 parent is licensed to carry the handgun under Subchapter H, Chapter  
10 411, Government Code, or is otherwise legally authorized to carry a  
11 handgun.

12 SECTION 12. Section 229.001(b), Local Government Code, is  
13 amended to read as follows:

14 (b) Subsection (a) does not affect the authority a  
15 municipality has under another law to:

16 (1) require residents or public employees to be armed  
17 for personal or national defense, law enforcement, or another  
18 lawful purpose;

19 (2) regulate the discharge of firearms or air guns  
20 within the limits of the municipality, other than at a sport  
21 shooting range;

22 (3) regulate the use of property, the location of a  
23 business, or uses at a business under the municipality's fire code,  
24 zoning ordinance, or land-use regulations as long as the code,  
25 ordinance, or regulations are not used to circumvent the intent of  
26 Subsection (a) or Subdivision (5) of this subsection;

27 (4) regulate the use of firearms, air guns, or knives

1 in the case of an insurrection, riot, or natural disaster if the  
2 municipality finds the regulations necessary to protect public  
3 health and safety;

4 (5) regulate the storage or transportation of  
5 explosives to protect public health and safety, except that 25  
6 pounds or less of black powder for each private residence and 50  
7 pounds or less of black powder for each retail dealer are not  
8 subject to regulation;

9 (6) regulate the carrying of a firearm or air gun by a  
10 person other than a person licensed to carry a handgun under  
11 Subchapter H, Chapter 411, Government Code, or a person otherwise  
12 legally authorized to carry the handgun, at a:

13 (A) public park;

14 (B) public meeting of a municipality, county, or  
15 other governmental body;

16 (C) political rally, parade, or official  
17 political meeting; or

18 (D) nonfirearms-related school, college, or  
19 professional athletic event;

20 (7) regulate the hours of operation of a sport  
21 shooting range, except that the hours of operation may not be more  
22 limited than the least limited hours of operation of any other  
23 business in the municipality other than a business permitted or  
24 licensed to sell or serve alcoholic beverages for on-premises  
25 consumption; or

26 (8) regulate the carrying of an air gun by a minor on:

27 (A) public property; or

1 (B) private property without consent of the  
2 property owner.

3 SECTION 13. Sections 62.082(d) and (e), Parks and Wildlife  
4 Code, are amended to read as follows:

5 (d) Section 62.081 does not apply to:

- 6 (1) an employee of the Lower Colorado River Authority;  
7 (2) a person authorized to hunt under Subsection (c);  
8 (3) a peace officer as defined by Article 2.12, Code of  
9 Criminal Procedure; or  
10 (4) a person who:

11 (A) is carrying [~~possesses~~] a handgun the person  
12 is legally authorized to carry [~~and a license issued under~~  
13 ~~Subchapter H, Chapter 411, Government Code, to carry a handgun~~]; or

14 (B) under circumstances in which the person would  
15 be justified in the use of deadly force under Chapter 9, Penal Code,  
16 shoots a handgun the person is legally authorized [~~licensed~~] to  
17 carry [~~under Subchapter H, Chapter 411, Government Code~~].

18 (e) A state agency, including the department, the  
19 Department of Public Safety, and the Lower Colorado River  
20 Authority, may not adopt a rule that prohibits a person [~~who~~  
21 ~~possesses a license issued under Subchapter H, Chapter 411,~~  
22 ~~Government Code,~~] from entering or crossing the land of the Lower  
23 Colorado River Authority while:

24 (1) carrying [~~possessing~~] a handgun that the person is  
25 legally authorized to carry; or

26 (2) under circumstances in which the person would be  
27 justified in the use of deadly force under Chapter 9, Penal Code,

1 shooting a handgun.

2 SECTION 14. Section 284.001(e), Parks and Wildlife Code, is  
3 amended to read as follows:

4 (e) This section does not limit a person's ~~[the]~~ ability to  
5 carry a handgun if the person is legally authorized ~~[of a license~~  
6 ~~holder]~~ to carry a handgun ~~[under the authority of Subchapter H,~~  
7 ~~Chapter 411, Government Code]~~.

8 SECTION 15. Section 30.05(f), Penal Code, is amended to  
9 read as follows:

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

11 (1) the basis on which entry on the **property** or land or  
12 in the building was forbidden is that entry with a firearm ~~[handgun]~~  
13 was forbidden; and

14 (2) the person was carrying only ~~[+~~

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

17 ~~[(B)]~~ a handgun that at the time of the offense  
18 the person was legally authorized to carry:

19 (A) [(i)] in a concealed manner; or

20 (B) [(ii)] in a **shoulder or belt** holster.

21 SECTION 16. Chapter 30, Penal Code, is amended by adding  
22 Section 30.08 to read as follows:

23 Sec. 30.08. TRESPASS BY PERSON NOT LICENSED TO CARRY  
24 HANDGUN. (a) A person who does not hold a license to carry a  
25 handgun commits an offense if the person:

26 (1) carries a handgun on **property** of another without  
27 effective consent; and

1           (2) received notice that entry on the property by a  
2 person carrying a handgun was forbidden.

3           (b) For purposes of this section, a person receives notice  
4 if the owner of the property or someone with apparent authority to  
5 act for the owner provides notice to the person by oral or written  
6 communication.

7           (c) In this section:

8           (1) "Entry" has the meaning assigned by Section  
9 30.05(b).

10           (2) "Written communication" means:

11           (A) a card or other document on which is written  
12 language identical to the following: "Pursuant to Section 30.08,  
13 Penal Code (trespass by person not licensed to carry handgun), a  
14 person who does not hold a license to carry a handgun may not enter  
15 this property with a handgun"; or

16           (B) a sign posted on the property that:

17           (i) includes the language described by  
18 Paragraph (A) in both English and Spanish;

19           (ii) appears in contrasting colors with  
20 block letters at least one inch in height; and

21           (iii) is displayed in a conspicuous manner  
22 clearly visible to the public.

23           (d) An offense under this section is a Class C misdemeanor  
24 punishable by a fine not to exceed \$200, except that the offense is  
25 a Class A misdemeanor if it is shown on the trial of the offense  
26 that, after entering the property, the person was personally given  
27 the notice by oral communication described by Subsection (b) and



1 subsequently failed to depart.

2 SECTION 17. Section 46.02(a-1), Penal Code, is amended to  
3 read as follows:

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

8 (1) the handgun is in plain view, unless the person is  
9 legally authorized [~~licensed~~] to carry a handgun [~~under Subchapter~~  
10 ~~H, Chapter 411, Government Code~~], and the handgun is carried in a  
11 **shoulder or belt** holster; or

12 (2) the person is:

13 (A) engaged in criminal activity, other than a  
14 Class C misdemeanor **that is a violation of a law or ordinance**  
15 **regulating traffic or boating;**

16 (B) prohibited by law from possessing a firearm;  
17 or

18 (C) a member of a criminal street gang, as  
19 defined by Section 71.01.

20 SECTION 18. Sections 46.03(e-1) and (e-2), Penal Code, are  
21 amended to read as follows:

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

24 (1) possessed, at the screening checkpoint for the  
25 secured area, a [~~concealed~~] handgun that the actor was legally  
26 authorized [~~licensed~~] to carry [~~under Subchapter H, Chapter 411,~~  
27 ~~Government Code~~]; and

1           (2) exited the screening checkpoint for the secured  
2 area immediately on [~~upon~~] completion of the required screening  
3 processes and notification that the actor possessed the handgun.

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

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

13           (2) the actor does not immediately exit the checkpoint  
14 on [~~upon~~] completion of the required screening processes.

15           SECTION 19. Section 46.03(f), Penal Code, as amended by  
16 Chapters 437 (H.B. 910) and 1001 (H.B. 554), Acts of the 84th  
17 Legislature, Regular Session, 2015, is reenacted and amended to  
18 read as follows:

19           (f) Except as provided by Subsection (a)(1)(B) or (e-1), it  
20 is not a defense to prosecution under this section that the actor  
21 possessed a handgun and was:

22           (1) licensed to carry a handgun under Subchapter H,  
23 Chapter 411, Government Code; or

24           (2) otherwise legally authorized to carry a handgun.

25           SECTION 20. The heading to Section 46.035, Penal Code, is  
26 amended to read as follows:

27           Sec. 46.035. UNLAWFUL CARRYING OF HANDGUN BY LICENSE HOLDER

1 OR OTHER PERSON LEGALLY AUTHORIZED TO CARRY HANDGUN.

2 SECTION 21. Sections 46.035(a), (b), (c), (d), and (i),  
3 Penal Code, are amended to read as follows:

4 (a) A person who is a license holder or otherwise legally  
5 authorized to carry a handgun commits an offense if the person  
6 [~~license holder~~] carries a handgun [~~on or about the license~~  
7 ~~holder's person under the authority of Subchapter H, Chapter 411,~~  
8 ~~Government Code,~~] and intentionally displays the handgun in plain  
9 view of another person in a public place. It is an exception to the  
10 application of this subsection that the handgun was partially or  
11 wholly visible but was carried in a **shoulder or belt** holster [~~by the~~  
12 ~~license holder~~].

13 (b) A person who is a license holder or otherwise legally  
14 authorized to carry a handgun commits an offense if the person  
15 [~~license holder~~] intentionally, knowingly, or recklessly carries a  
16 handgun [~~under the authority of Subchapter H, Chapter 411,~~  
17 ~~Government Code~~], regardless of whether the handgun is concealed or  
18 carried in a **shoulder or belt** holster [~~, on or about the license~~  
19 ~~holder's person~~]:

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

26 (2) on the premises where a high school, collegiate,  
27 or professional sporting event or interscholastic event is taking

1 place, unless the person [~~license holder~~] is a participant in the  
2 event and a handgun is used in the event;

3 (3) on the premises of a correctional facility;

4 (4) on the premises of a hospital licensed under  
5 Chapter 241, Health and Safety Code, or on the premises of a nursing  
6 facility licensed under Chapter 242, Health and Safety Code, unless  
7 the person [~~license holder~~] has written authorization of the  
8 hospital or nursing facility administration, as appropriate;

9 (5) in an amusement park; or

10 (6) on the premises of a church, synagogue, or other  
11 established place of religious worship.

12 (c) A person who is a license holder or otherwise legally  
13 authorized to carry a handgun commits an offense if the person  
14 [~~license holder~~] intentionally, knowingly, or recklessly carries a  
15 handgun [~~under the authority of Subchapter H, Chapter 411,~~  
16 ~~Government Code~~], regardless of whether the handgun is concealed or  
17 carried in a shoulder or belt holster, in the room or rooms where a  
18 meeting of a governmental entity is held and if the meeting is an  
19 open meeting subject to Chapter 551, Government Code, and the  
20 entity provided notice as required by that chapter.

21 (d) A person who is a license holder or otherwise legally  
22 authorized to carry a handgun commits an offense if the person  
23 [~~while intoxicated, the license holder~~] carries a handgun while the  
24 person is intoxicated [~~under the authority of Subchapter H, Chapter~~  
25 ~~411, Government Code~~], regardless of whether the handgun is  
26 concealed or carried in a shoulder or belt holster.

27 (i) Subsections (b)(4), (b)(5), (b)(6), and (c) do not apply

1 if the actor was not given effective notice under Section 30.06,  
2 [~~or~~] 30.07, or 30.08.

3 SECTION 22. Sections 46.15(a) and (b), Penal Code, are  
4 amended to read as follows:

5 (a) Sections 46.02, [~~and~~] 46.03, and 46.035 do not apply to:

6 (1) peace officers or special investigators under  
7 Article 2.122, Code of Criminal Procedure, and neither section  
8 prohibits a peace officer or special investigator from carrying a  
9 weapon in this state, including in an establishment in this state  
10 serving the public, regardless of whether the peace officer or  
11 special investigator is engaged in the actual discharge of the  
12 officer's or investigator's duties while carrying the weapon;

13 (2) parole officers and neither section prohibits an  
14 officer from carrying a weapon in this state if the officer is:

15 (A) engaged in the actual discharge of the  
16 officer's duties while carrying the weapon; and

17 (B) in compliance with policies and procedures  
18 adopted by the Texas Department of Criminal Justice regarding the  
19 possession of a weapon by an officer while on duty;

20 (3) community supervision and corrections department  
21 officers appointed or employed under Section 76.004, Government  
22 Code, and neither section prohibits an officer from carrying a  
23 weapon in this state if the officer is:

24 (A) engaged in the actual discharge of the  
25 officer's duties while carrying the weapon; and

26 (B) authorized to carry a weapon under Section  
27 76.0051, Government Code;

1           (4) an active judicial officer as defined by Section  
2 411.201, Government Code, who is licensed to carry a handgun under  
3 Subchapter H, Chapter 411, Government Code;

4           (5) an honorably retired peace officer, qualified  
5 retired law enforcement officer, federal criminal investigator, or  
6 former reserve law enforcement officer who holds a certificate of  
7 proficiency issued under Section 1701.357, Occupations Code, and is  
8 carrying a photo identification that is issued by a federal, state,  
9 or local law enforcement agency, as applicable, and that verifies  
10 that the officer is:

11                   (A) an honorably retired peace officer;

12                   (B) a qualified retired law enforcement officer;

13                   (C) a federal criminal investigator; or

14                   (D) a former reserve law enforcement officer who  
15 has served in that capacity not less than a total of 15 years with  
16 one or more state or local law enforcement agencies;

17           (6) a district attorney, criminal district attorney,  
18 county attorney, or municipal attorney who is licensed to carry a  
19 handgun under Subchapter H, Chapter 411, Government Code;

20           (7) an assistant district attorney, assistant  
21 criminal district attorney, or assistant county attorney who is  
22 licensed to carry a handgun under Subchapter H, Chapter 411,  
23 Government Code;

24           (8) a bailiff designated by an active judicial officer  
25 as defined by Section 411.201, Government Code, who is:

26                   (A) licensed to carry a handgun under Subchapter  
27 H, Chapter 411, Government Code; and

1 (B) engaged in escorting the judicial officer; or  
2 (9) a juvenile probation officer who is authorized to  
3 carry a firearm under Section 142.006, Human Resources Code.

4 (b) Section 46.02 does not apply to a person who:

5 (1) is in the actual discharge of official duties as a  
6 member of the armed forces or state military forces as defined by  
7 Section 437.001, Government Code, or as a guard employed by a penal  
8 institution;

9 (2) is traveling;

10 (3) is engaging in lawful hunting, fishing, or other  
11 sporting activity on the immediate premises where the activity is  
12 conducted, or is en route between the premises and the actor's  
13 residence, motor vehicle, or watercraft, if the weapon is a type  
14 commonly used in the activity;

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

21 (5) acts as a personal protection officer and carries  
22 the person's security officer commission and personal protection  
23 officer authorization, if the person:

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

1 (B) is either:

2 (i) wearing the uniform of a security  
3 officer, including any uniform or apparel described by Section  
4 1702.323(d), Occupations Code, and carrying the officer's weapon in  
5 plain view; or

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

8 (6) is ~~carrying~~:

9 (A) a license holder ~~issued~~ under Subchapter H,  
10 Chapter 411, Government Code, or a person who meets the  
11 requirements under Sections 411.172(a)(2)-(10), Government Code  
12 ~~[to carry a handgun]~~; and

13 (B) carrying a handgun:

14 (i) in a concealed manner; or

15 (ii) in a **shoulder or belt** holster;

16 (7) holds an alcoholic beverage permit or license or  
17 is an employee of a holder of an alcoholic beverage permit or  
18 license if the person is supervising the operation of the permitted  
19 or licensed premises; or

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

23 (A) on the immediate premises where the activity  
24 is conducted; or

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

27 SECTION 23. The following provisions are repealed:



1           (1) Sections 11.041, 11.61(e), 61.11, and 61.71(f),  
2 Alcoholic Beverage Code; and

3           (2) Section 411.204(d), Government Code.

4           SECTION 24. The changes in law made by this Act to Sections  
5 411.172, 411.174, and 411.201, Government Code, apply only to an  
6 application for the issuance or renewal of a license that is  
7 submitted to the Department of Public Safety on or after the  
8 effective date of this Act. An application submitted before the  
9 effective date of this Act is governed by the law in effect on the  
10 date the application was submitted, and the former law is continued  
11 in effect for that purpose.

12          SECTION 25. The changes in law made by this Act to Sections  
13 411.186 and 411.187, Government Code, apply only to an  
14 administrative or judicial determination concerning the revocation  
15 or suspension of a license to carry a handgun that is made on or  
16 after the effective date of this Act. An administrative or judicial  
17 determination made before the effective date of this Act is  
18 governed by the law in effect on the date the determination was  
19 made, and the former law is continued in effect for that purpose.

20          SECTION 26. The changes in law made by this Act relating to  
21 the authority of a person to carry a handgun apply to the carrying  
22 of a handgun on or after the effective date of this Act by any person  
23 who may legally carry a handgun under this Act.

24          SECTION 27. The changes in law made by this Act apply only  
25 to an offense committed on or after the effective date of this Act.  
26 An offense committed before the effective date of this Act is  
27 governed by the law in effect when the offense was committed, and

1 the former law is continued in effect for that purpose. For  
2 purposes of this section, an offense was committed before the  
3 effective date of this Act if any element of the offense occurred  
4 before that date.

5 SECTION 28. To the extent of any conflict, this Act prevails  
6 over another Act of the 85th Legislature, Regular Session, 2017,  
7 relating to nonsubstantive additions to and corrections in enacted  
8 codes.

9 SECTION 29. This Act takes effect September 1, 2017.