

BILL ANALYSIS

H.B. 2164
By: Burns
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the enforcement of state law governing the carrying of a weapon by a peace officer or special investigator on certain premises. There are reports that some establishments have incorrectly prohibited or restricted these individuals from carrying such a weapon on the premises of the establishment despite the authorization to do. H.B. 2164 seeks to address this issue by imposing civil and criminal penalties for prohibiting or otherwise restricting a peace officer or special investigator from carrying a weapon on certain premises open to the public.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2164 amends the Code of Criminal Procedure to create a Class C misdemeanor offense for an establishment serving the public, or a person who is an employee or agent of that establishment, that prohibits or otherwise restricts a peace officer or special investigator from carrying on the establishment's premises a weapon that the peace officer or special investigator is otherwise authorized to carry, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon. The bill subjects an establishment that commits the offense to a civil penalty of \$1,000 for each commission of the offense, authorizes the attorney general to sue to collect the penalty, and requires money from the penalty to be deposited in the state treasury to the credit of the general revenue fund.

EFFECTIVE DATE

September 1, 2019.