

BILL ANALYSIS

H.B. 854
By: Burns
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Legislation enacted by the 84th Legislature decreased the penalty for trespass by a handgun license holder, which is an offense that applies only if the actor received notice that entry on the property with a handgun was forbidden, from a Class A misdemeanor to a Class C misdemeanor punishable by a maximum fine of \$200, except for actors who received notice by oral communication and failed to depart. However, it has been noted that the penalty for unlawfully carrying a handgun in certain locations where the same type of notice must be given for the prohibition against carrying on the premises to be enforceable remained a Class A misdemeanor. H.B. 854 seeks to align these penalties by decreasing the penalty for the unlawful carrying of a handgun by a handgun license holder in certain places.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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. 854 amends the Penal Code to decrease from a Class A misdemeanor to a Class C misdemeanor punishable by a maximum \$200 fine the penalty for the offense of unlawful carrying of a handgun by a handgun license holder in any of the following places:

- on the premises of a state-licensed hospital or nursing facility without appropriate written permission;
- in an amusement park; or
- in the room or rooms where an open meeting is held by a governmental entity that provided the requisite meeting notice.

The bill enhances the penalty for such conduct back to a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given notice by oral communication from the property owner or someone with apparent authority to act for the owner that entry on the property was forbidden and subsequently failed to depart.

EFFECTIVE DATE

September 1, 2021.