

BILL ANALYSIS

H.B. 956
By: Dutton
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During the 85th Legislative Session, the legislature enacted House Bill 1935, which removed antiquated restrictions on carrying certain knives that were not defined in statute and created a new class of knife called a "location-restricted knife" with the stated purpose of restricting knives with blades over 5.5 inches long from the same places where firearms are restricted. However, this law has had unintended consequences on people in certain professions. Three types of places where these knives are restricted engage in food service where knives are required for the purpose of preparing food: so-called "51%" establishments that derive at least 51 percent of their income from alcohol sales or service, amusement parks, and religious institutions. Employees of these places are currently, and without criminal intent, possessing these tools in these places in violation of the law. Additionally, many manual laborers and construction workers often carry these knives on their belts and may unknowingly be in violation of the law if they stop by a 51% establishment for a drink after work. H.B. 956 seeks to address this issue by removing the prohibition against possessing a location-restricted knife in 51% establishments, amusement parks, and religious institutions so that people in certain professions will not be violating the law.

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. 956 amends the Penal Code to remove the following as places where a location-restricted knife with a blade over five and one-half inches is prohibited:

- the premises of a business that has a specified alcoholic beverage permit or license and derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption;
- an amusement park; and
- the premises of a church, synagogue, or other established place of religious worship.

EFFECTIVE DATE

September 1, 2021.