

SUBJECT: Revising law on handgun license holder carrying on government property

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 6 ayes — Nevárez, Paul, Burns, Clardy, Lang, Tinderholt

2 nays — Goodwin, Israel

1 absent — Calanni

WITNESSES: For — Rachel Malone, Gun Owners of America; Bradley Hodges; (*Registered, but did not testify:* Adam Cahn, Cahnman's Musings; Michael Cargill, Central Texas Gun Works; Angela Smith, Fredericksburg Tea Party; Susan Dantzler, Texas Nationalist Movement; Tara Mica, National Rifle Association; Connie Forbes, Gary Forbes, and Crystal Main, NE Tarrant Tea Party; Rick Briscoe and CJ Grisham, Open Carry Texas; Stephen Broden and Mark Dorazio, Republican Party of Texas; Sheila Hemphill, Texas Right To Know; Mark Borskey, Texas State Rifle Association; Nicholas Ciggelakis, Young Conservatives of Texas; and 35 individuals)

Against — (*Registered, but did not testify:* Diana Earl, Everytown for Gun Safety and Moms Demand Action; Aimee Bertrand, Harris County Commissioners Court; Brenda Koegler, League of Women Voters of Texas; Vicki Altounian and Heather Kennedy, Moms Demand Action for Gun Sense in America; Dwight Harris, Texas American Federation of Teachers; Gyl Switzer and Louis Wichers, Texas Gun Sense; and 10 individuals)

On — (*Registered, but did not testify:* Cleve Doty, Office of the Attorney General)

BACKGROUND: Under Penal Code secs. 30.06 and 30.07 a handgun license holder may not conceal or openly carry a handgun on another's property without consent if the license holder received oral or written notice that entry on

the property by a license holder was forbidden.

Under Government Code sec. 411.209, a state agency or political subdivision may not provide notice under Penal Code sec. 30.06 or by any sign expressly referring to that law to prohibit a handgun license holder carrying a handgun from entering or remaining on a premises or other place owned or leased by the entity, unless prohibited by other law.

Sec. 411.209(d) allows a state resident or a handgun license holder to file a complaint with the attorney general if the person provides the entity a written notice describing the violation and the specific location of the sign. The attorney general must investigate the complaint to determine whether legal action is warranted.

Some have suggested ambiguity in recent legislation attempting to prevent the wrongful exclusion from government property of a handgun license holder carrying a handgun has resulted in several lawsuits. Some have called for more clarity in related statutes.

DIGEST:

CSHB 1791 would specify that a state agency or political subdivision could not take any action, including providing notice under Penal Code secs. 30.06 or 30.07, that stated or implied that a handgun license holder who was carrying a handgun was prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity, unless prohibited by other law.

"Premises" would mean a building or a portion of a building but would not include any public or private driveway, street, sidewalk, walkway, or parking area.

For the written notice provided with a complaint under Government Code sec. 411.209(d), a state resident or license holder would have to include a description of the location and general facts of the violation.

The bill would take effect September 1, 2019, and would apply only to conduct that occurred on or after that date.

