

- SUBJECT:** Creating penalties for prohibiting peace officer from carrying a weapon
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Collier, Zedler, K. Bell, J. González, P. King, Moody, Murr, Pacheco
- 0 nays
- 1 absent — Hunter
- WITNESSES:** For — Noel Johnson, Texas Municipal Police Association; (*Registered, but did not testify*: Justin Berry, Austin Police Association; Chris Jones, Combined Law Enforcement Associations of Texas; Frederick Frazier, Dallas Police Association, Fraternal Order of Police #716, State Fraternal Order of Police; Matthew Williamson, Dallas Police Department; David Sinclair, Game Warden Peace Officers Association; Ray Hunt, Houston Police Officers Union; Jimmy Rodriguez, San Antonio Police Officers Association; Roy Hunter, Texas Police Chiefs Association; Stacy Suits, Travis County Constable Precinct 3)
- Against — (*Registered, but did not testify*: Maggie Stern, Children's Defense Fund Texas; Darwin Hamilton; Deborah Nelms)
- BACKGROUND:** Under Code of Criminal Procedure art. 2.1305, establishments serving the public may not prohibit or restrict peace officers or special investigators from carrying on their premises a weapon that the officer or investigator was authorized to carry, regardless of whether the officer or investigator was engaged in the actual discharge of their duties.
- DIGEST:** HB 2164 would establish civil and criminal penalties for violating the prohibition in Code of Criminal Procedure art. 2.1305 on public establishments restricting peace officers or special investigators from carrying authorized weapons on their premises.
- Establishments violating the provisions would be subject to a \$1,000 civil

penalty for each violation. The attorney general could sue to collect the penalty, and collections would go to the general revenue fund.

Establishments or employees or agents of the establishment violating the provisions would commit a class C misdemeanor (maximum fine of \$500).

The bill would take effect September 1, 2019, and would apply to offenses committed on or after that date.

**SUPPORTERS
SAY:**

HB 2164 would help prevent establishments and public venues from denying entry to off-duty officers carrying their weapons. While the Code of Criminal Procedure clearly prohibits this, the law lacks an enforcement mechanism. The bill would address this by establishing both civil and criminal penalties, allowing for flexibility in addressing violations.

HB 2164 would not create the prohibition on denying entry to officers and special investigators but would add an enforcement mechanism to the existing law. It is important that public establishments follow current law because allowing police officers to carry weapons at public establishments adds another layer of security at these venues.

**OPPONENTS
SAY:**

Private businesses should not face penalties for making decisions about who can and cannot carry a weapon on their property. HB 2164 would complicate an already questionable policy by authorizing sanctions.