

SUBJECT: Excepting display of holstered handgun in car from unlawful carry offense

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 6 ayes — White, Harless, Hefner, Patterson, Schaefer, Tinderholt

3 nays — Bowers, Goodwin, E. Morales

WITNESSES: For — Richard Briscoe, Open Carry Texas; and 11 individuals;
(*Registered, but did not testify*: Angela Smith, Fredericksburg Tea Party;
Felisha Bull and Rachel Malone, Gun Owners of America; Tara Mica,
National Rifle Association; Andi Turner, Texas State Rifle Association;
and 21 individuals)

Against — Gyl Switzer and Louis Wichers, Texas Gun Sense;
(*Registered, but did not testify*: Georgia Keysor)

On — (*Registered, but did not testify*: Brian Hawthorne and AJ
Louderback, Sheriffs Association of Texas)

BACKGROUND: Under Penal Code sec. 46.035(a), it is a crime for a license holder to carry a handgun on or about their person and intentionally display the handgun in plain view of another person in a public place, with the exception of a handgun that is partially or wholly visible and carried in a shoulder or belt holster. The offense is a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).

DIGEST: HB 1407 would make it an exception to the offense of unlawful carrying of a handgun by a license holder that the handgun was partially or wholly visible but was in a holster and the handgun and license holder were in a motor vehicle.

The bill would take effect September 1, 2021, and would apply only to an offense committed on or after January 1, 2022.

SUPPORTERS HB 1407 would increase the options for safely traveling with a licensed

SAY: handgun by allowing licensed handgun owners to have their holstered handgun in a car but not on their person. Current law has been interpreted by some to mean that a holstered, licensed handgun must be on the person of the license holder. This can be uncomfortable when in a car and potentially affect an individual's driving, and it could be difficult for someone with a physical disability. It would be a logical extension to current law to allow handguns to be visible in a vehicle if they were in a holster and the license holder was also present.

The bill would not increase the risk of accidental firearm discharge in cars. Rather, it would increase safety by allowing a handgun to be stored in a more secure location than on the gun owner's person. The handgun would have to be in a holster, and gun owners would ensure that it remained safe.

CRITICS
SAY: HB 1407 could increase the risk of gun accidents by allowing licensed gun owners to not carry their handguns while in the car. This could lead to children or others in a car accidentally accessing or firing the gun.