

SUBJECT: Removing holster specification for openly carried handguns in Penal Code

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

VOTE: 9 ayes — White, Bowers, Goodwin, Harless, Hefner, E. Morales, Patterson, Schaefer, Tinderholt

WITNESSES: For — Rachel Malone, Gun Owners of America; Rick Briscoe, Open Carry Texas; Andi Turner, Texas State Rifle Association; Kenneth Gibson; Bradley Hodges; Cody Ryan; Gary Zimmerman; (*Registered, but did not testify*: David Sinclair, Game Warden Peace Officers Association; Tara Mica, National Rifle Association; Ruth York, Tea Party Patriots of Eastland County and Texas Family Defense Committee; and 14 individuals)

Against — (*Registered, but did not testify*: Elva Mendoza, Moms Demand Action for Gun Sense in America; Jon Brandt, Christina Puentes, and Gyl Switzer, Texas Gun Sense; and 15 individuals)

On — (*Registered, but did not testify*: Thomas Parkinson)

BACKGROUND: Several offenses in the Penal Code relating to an openly carried handgun by a licensed handgun owner specify the manner of open carry as requiring a handgun to be in a shoulder or belt holster.

DIGEST: HB 2112 would revise offenses in the Penal Code relating to an openly carried handgun by a licensed handgun owner and remove the specification that the holster be a shoulder or belt holster.

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

SUPPORTERS SAY: HB 2112 would allow law-abiding gun owners to make choices about the best way to protect themselves by simplifying a requirement for openly carried handguns that causes confusion and undermines self-defense.

Currently, a licensed handgun owner who openly carries is limited to carrying either in a shoulder or a belt holster. Neither type of holster is defined by statute nor are there commonly accepted definitions, which causes confusion. For example, it is unclear whether a licensed gun owner could openly carry in a holster that was worn in the correct location but was not capable of attaching at the shoulder area or to a belt.

Requiring shoulder or belt holsters for open carry undermines self-defense by disparately impacting persons with disabilities and making motor vehicle accessibility difficult. Persons confined to wheelchairs have difficulties wearing shoulder or belt holsters, and other types of holsters would allow them better access to self-defense. Current law would not allow specific vehicle holsters, which allow a safer transport of a handgun and easier access if the driver was in a dangerous situation.

All types of holsters serve the same purpose for gun safety: they contain the handgun, eliminate the capability of being fired by making the trigger inaccessible, and require the wearer to remove the handgun before it can be used. Therefore, broadening the types of lawful holsters would not diminish gun safety. Texans should be allowed to make their own choices about the best way to carry their handgun and protect themselves.

CRITICS
SAY:

HB 2112 could result in more guns being openly carried, which would not make Texans safer. The current open carry requirement that the handgun be in a shoulder or belt holster ensures that handguns are secured responsibly, and broadening the requirement by not specifying the type of holster could decrease public safety.