

SUBJECT: Removing prohibition on certain knives being carried at specific locations

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Collier, Cason, Cook, Crockett, A. Johnson, Vasut

0 nays

3 absent — K. Bell, Hinojosa, Murr

WITNESSES: For — Todd Rathner, Knife Rights; Rick Briscoe; (*Registered, but did not testify*: Sarah Reyes, Texas Criminal Justice Coalition; Cindi Castilla, Texas Eagle Forum, President; Emily Gerrick, Texas Fair Defense Project; Jason Vaughn, Texas Young Republicans; Thomas Parkinson; Zoe Russell)

Against — (*Registered, but did not testify*: Deana Johnston)

BACKGROUND: Penal Code sec. 46.01(6) defines a location-restricted knife as one with a blade over five and one-half inches.

Penal Code sec. 46.03 establishes places where firearms, location-restricted knives, clubs or other prohibited weapons are prohibited. Sec. 46.03(a-1) applies specifically to location-restricted knives and makes it an offense to intentionally, knowingly, or recklessly possess or go with such a knife to seven categories of locations, including:

- on the premises of a business with certain alcoholic beverage permits or licenses, if the business derives at least 51 percent of its income from the sale or service of alcohol for on-premises consumption;
- in an amusement park; or
- on the premises of a church, synagogue, or other established place of religious worship.

Offenses generally are class C misdemeanors (maximum fine of \$500).

DIGEST: HB 956 would revise the places where knives with blades over five and one-half inches could be carried. It would remove a prohibition on such knives being carried on the premises of:

- a business with certain alcoholic beverage permits or licenses, if the business derives at least 51 percent of its income from the sale or service of alcohol for on-premises consumption;
- amusement parks; and
- churches, synagogues, or other places of worship.

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

SUPPORTERS SAY: HB 956 would help protect individuals in certain professions from inadvertently breaking the law if they bring a knife needed for their employment to certain locations or stop by certain places with a location-restricted knife outside of work.

Current law prohibits location-restricted knives from being brought to certain locations that derive at least 51 percent of their income from alcohol sales, as well as amusement parks and houses of worship, but this restriction means that employees of these locations who work as cooks or in other positions are violating the law when they bring the tools of their trade to work. Landscapers, construction workers, or others carrying knives for their employment might be in the same situation if they stop by an establishment for a drink after work. Most may not even know they are breaking the law and have no intention to do so.

HB 956 would address this issue by removing the statutory prohibition on bringing knives longer than 5.5 inches into these locations, but property owners would continue to be able to restrict others from bringing these knives onto their private property. The bill is narrowly tailored and would not remove other statutory restrictions prohibiting knives in other places. While current law may not have led to a large number of prosecutions of workers for carrying these knives, it would be better to revise the law to

ensure that well intentioned individuals were not subject to arrest over a restriction they may not even know exists.

CRITICS
SAY:

HB 956 could open the door too wide to the carrying of location-restricted knives. It would be best to keep a uniform policy that prohibited these weapons from bars, amusement parks, and houses of worship. There is no current problem with workers being prosecuted for bringing the tools of their trade to work in such places.