

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

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

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

0 nays

SENATE VOTE: On final passage, April 15 — 29-1 (Whitmire)

WITNESSES: For — Donald Dahl; Billy Muston; Dylan Price; Gary Zimmerman;
(*Registered, but did not testify*: Frederick Frazier, Dallas Police
Association/FOP716 State FOP Director; James Parnell, Dallas Police
Association; Robin Hayes, Eastland County Republicans; David Sinclair,
Game Warden Peace Officers Association; Aaron Rickel, Grizzly Arms;
Felisha Bull and Rachel Malone, Gun Owners of America; John Bolgiano,
Llano County Patriots; Tara Mica, National Rifle Association; Brian
Hawthorne, Sheriffs Association of Texas; Ruth York, Tea Party Patriots
of Eastland County and Texas Family Defense Committee; Mitch Landry,
Texas Municipal Police Association; John Chancellor, Texas Police
Chiefs Association; Jason Vaughn, Texas Young Republicans; and 26
individuals)

Against — (*Registered, but did not testify*: Christina Puentes, Mary Lynn
Rice-Lively, Frances Schenkkan, and Gyl Switzer, Texas Gun Sense;
Beverly Biehl)

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: SB 550 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:**

SB 550 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 can undermine 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:**

SB 550 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.

