

BILL ANALYSIS

Senate Research Center
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S.B. 819
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Criminal Justice
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DIGEST AND PURPOSE

In recent years, a variety of political subdivisions have implemented ordinances, policies, or rules to prohibit the licensed carrying of handguns on property or premises under control of that entity. A recent attorney general opinion states that the power to regulate firearms from certain property or premises, except as otherwise provided by federal law, is granted solely to the state legislature, not to political subdivisions. As proposed, S.B. 819 establishes that a concealed handgun license holder commits an offense by carrying a handgun on property, other than governmental property without effective consent by the property owner, and that the legislature has the exclusive authority to regulate the carrying of a handgun.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 30.06(a), Penal Code, to provide that a license holder commits an offense if the license holder commits certain acts including carrying a handgun under the authority of Chapter 411H (License to Carry a Canceled Handgun), Government Code, on property, other than government property, of another without effective consent.

SECTION 2. Amends Chapter 411H, Government Code, by adding Section 411.209, as follows:

Sec. 411.209. EXCLUSIVE REGULATORY AUTHORITY. Provides that the legislature, except as otherwise provided by federal law, has the exclusive authority to regulate the carrying of a handgun.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2001.