

BILL ANALYSIS

Senate Research Center
86R12357 JSC-F

H.B. 2164
By: Burns; Holland (Hughes)
State Affairs
5/7/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The rationale behind this bill is to add another layer of security at public venues. By allowing off-duty police officers to carry at these public venues we are ensuring an extra level of safety.

This bill is designed to prevent these public venues from violating the law. They must comply with statute and allow these off-duty officers (attending an event at the venue) to carry.

Time and time again statistics indicate that active shooters will stand down when confronted with equal force.

Section 2.1305, Code of Criminal Procedure, prohibits private venues from preventing law enforcement from carrying—those that do prohibit officers from carrying are in violation of state law.

Officers or security guards (employed by the venue) have been required to prohibit their colleagues (attending an event at the venue) from lawfully carrying at the venue, in violation of state law.

H.B. 2164 amends current law relating to imposing civil and criminal penalties for prohibiting or otherwise restricting a peace officer or special investigator from carrying a weapon on certain premises open to the public, and creates a criminal offense.

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 Article 2.1305, Code of Criminal Procedure, by adding Subsections (c) and (d), as follows:

(c) Provides that an establishment serving the public that violates this article (Carrying Weapons on Certain Premises) is subject to a civil penalty in the amount of \$1,000 for each violation. Authorizes the Texas attorney general to sue to collect a civil penalty under this subsection. Requires money collected under this subsection to be deposited in the state treasury to the credit of the general revenue fund.

(d) Provides that an establishment serving the public or other person who is an employee or agent of that establishment commits an offense if the person violates this article. Provides that an offense under this subsection is a Class C misdemeanor.

SECTION 2. Makes application of this Act prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 3. Effective date: September 1, 2019.