

## **BILL ANALYSIS**

Senate Research Center  
87R5054 JRR-F

H.B. 956  
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State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The 85th Legislature enacted H.B. 1935, which removed antiquated restrictions on carrying specific knives that were not defined in statute and created a new class of knife called a "location-restricted knife" with the stated purpose of restricting knives with blades over 5.5 inches long from the same places where firearms are banned.

However, this law has had unintended consequences for people in certain professions. Three types of spaces where these knives are restricted engage in foodservice where these knives are required to prepare food: so-called "51%" establishments that derive at least 51 percent of their income from alcohol sales service, amusement parks, and religious institutions. Employees of these places are currently, and without criminal intent, possessing these knives for purposeful work. Most may not even know they are breaking the law and have no intention to do so.

Additionally, many manual laborers and construction workers often carry these knives on their belts. They may unknowingly violate the law if they stop by a 51% establishment for a drink after work.

The bill addresses this issue by removing the statutory prohibition on bringing knives longer than 5.5 inches into these locations. The bill still allows property owners at their discretion to restrict others from bringing these knives onto their private property.

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.

H.B. 956 amends current law relating to the places where certain knives are prohibited.

### **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 46.03(a-1), Penal Code, as follows:

(a-1) Deletes existing text providing that a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a location-restricted knife on the premises of a business that has a permit or license issued under Chapter 25 (Wine and Beer Retailer's Permit), 28 (Mixed Beverage Permit), 32 (Private Club Registration Permit), 69 (Retail Dealer's On-Premise License), or 74 (Brewpub License), Alcoholic Beverage Code, if the business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption, as determined by the Texas Alcoholic Beverage Commission under Section 104.06 (Monitoring of Gross Receipts), Alcoholic Beverage Code, in an amusement park, or on the premises of a church, synagogue, or other established place of religious worship. Makes nonsubstantive changes.

SECTION 2. Amends Section 46.03(c)(2), Penal Code, to delete existing text defining "amusement park" and to make nonsubstantive changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2021.