

SUBJECT: Exempting license holder display of holstered gun in car from an offense

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 6 ayes — Nevárez, Paul, Burns, Clardy, Lang, Tinderholt

2 nays — Goodwin, Israel

1 absent — Calanni

WITNESSES: For — Rachel Malone, Gun Owners of America; Rick Briscoe, CJ Grisham and John Swicegood, Open Carry Texas; Michael Cargill, Texans For Accountable Government, Log Cabin Republicans; Terry Holcomb, Texas Carry; Walter Barnes; Kyle Guarco; Bradley Hodges; Eric Schafer; (*Registered, but did not testify*: Elysse Brenner, Empowered 2A; Angela Smith, Fredericksburg Tea Party; Justin Delosh and Amos Postell, Lone Star Gun Rights; Tara Mica, National Rifle Association; James Dickey, Republican Party of Texas; Walter West II, Republican Party of Texas, Texas Senate District 4, Veterans; Alice Tripp, Texas State Rifle Association; Jason Vaughn, Texas Young Republicans; Stephanie Franklin, The Liberty Project of Texas; and 53 individuals)

Against — (*Registered, but did not testify*: Jo DePrang, Children's Defense Fund; Gyl Switzer, Texas Gun Sense)

On — (*Registered, but did not testify*: Steve Moninger, Department of Public Safety)

BACKGROUND: Penal Code sec. 46.035(a) makes it an offense for a licensed person to carry a handgun on or about their person and intentionally display the handgun in plain view of another person in a public place, with the exception of handguns that are partially or wholly visible but carried in a shoulder or belt holster by the license holder.

DIGEST: CSHB 3016 would add an exemption for the offense under Penal Code

sec. 46.035(a) if a person licensed to carry a handgun had a partially or wholly visible handgun in a holster and the handgun and license holder were in a motor vehicle.

The bill would apply only to an offense committed on or after January 1, 2020.

The bill would take effect September 1, 2019.

**SUPPORTERS
SAY:**

CSHB 3016 would close a loophole that makes it a crime for a licensed handgun owner to have their holstered handgun in a car but not on their person. The bill would not increase the risk of accidental firearm discharge in cars. Rather, it would increase safety because the firearm could be stored in a more secure location than on the gun owner's person.

**OPPONENTS
SAY:**

CSHB 3016 could increase the risk of gun accidents by allowing licensed gun owners to not carry their handguns while in the car. This could lead to children or other people in a car accidentally accessing or firing the weapon.