

**SUBJECT:** Removing exceptions to a defense for certain handgun carrying offenses

**COMMITTEE:** Community Safety, Select — favorable, without amendment

**VOTE:** 7 ayes — Guillen, Burrows, Dorazio, Harless, T. King, Landgraf, Troxclair

3 nays — Bowers, Canales, Goodwin

3 absent — Jarvis Johnson, Holland, Moody

**WITNESSES:** For — Virdell Wesley Wayne, Gun Owners of America; Rick Briscoe, Open Carry Texas; Michael Belsick; Richard Hays; Ian Kress; Rick Rinehart; Gary Zimmerman (*Registered, but did not testify*: James Parnell, Dallas Police Association; Angela Smith, Fredericksburg Tea Party; Larry Young, Game Warden Peace Officers Association; Leigh Gibson, Gun Owners Of America; Wesley Virdell, Gun Owners of America; Ray Hunt, HPOU; Tara Mica, National Rifle Association; Chris McNutt, Texas Gun Rights; Derek Cohen, Texas Public Policy Foundation; AJ Louderback, Texas Sheriffs Regional Alliance; Mark Borskey, Texas State Rifle Association; and seven individuals)

Against — Nicole Golden, Texas Gun Sense; Steve Wohleb, Texas Hospital Association (*Registered, but did not testify*: Greg Capers, Sheriffs' Association of Texas; Tim Ottinger, St. Luke's Health; Jessica Schleifer, Teaching Hospitals of Texas; Raif Calvert, Texas Association of School Boards; Joel Ballew, Texas Health Resources; Robert Watson, Texas Impact; Cynthia Van Maanen, Travis County Democratic Party; and nine individuals)

On — Ray Scifres, Sheriffs' Association of Texas; Jason Hester, Texas Department of Public Safety (*Registered, but did not testify*: Greg Capers, Sheriffs' Association of Texas)

**BACKGROUND:** Penal Code sec. 46.15(o) authorizes a person to post signs at each entrance of a location to provide notice that firearms and other weapons

are prohibited at that location.

Penal Code sec. 46.15(m) exempts certain on-duty first responders from provisions governing the carrying of firearms in locations where such weapons have been prohibited under certain conditions.

Penal Code sec. 46.15(n) establishes that the defense provided by subsection (m) does not apply if a sign providing notice that firearms and other weapons are prohibited was posted prominently at each entrance or if the actor, at the time of the offense, knew that weapons were prohibited at that location.

Some have suggested that the good faith exception for the unlawful carrying of firearms into a prohibited location should be restored.

**DIGEST:** HB 2960 would repeal subsections (n) and (o) of Penal Code sec 46.15.

The bill would take effect September 1, 2023, and apply only to an offense committed on or after that date.