

BILL ANALYSIS

Senate Research Center
79R6067 AJA-F

H.B. 1813
By: Pickett (Madla)
Criminal Justice
5/1/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, persons participating in historical reenactments of the Old West are not allowed to possess weapons of the time period on the premises of an alcoholic beverage license or permit holder under the Texas Alcoholic Beverage Code. H.B. 1813 allows the possession of firearms on the premises of an alcoholic beverage license or permit holder under the Texas Alcoholic Beverage Code for the purposes of historical reenactments.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Alcoholic Beverage Commission in SECTION 1 (Section 11.61, Alcoholic Beverage Code) and SECTION 2 (Section 61.71, Alcoholic Beverage Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.61, Alcoholic Beverage Code, by amending Subsection (e) and adding Subsection (i), as follows:

- (e) Makes a conforming change.
- (i) Requires the Texas Alcoholic Beverage Commission (TABC) to adopt rules allowing a historical reenactment on the premises of a permit holder.

SECTION 2. Amends Section 61.71, Alcoholic Beverage Code, by amending Subsection (f) and adding Subsection (j), as follows:

- (f) Makes a conforming change.
- (j) Requires TABC to adopt rules allowing a historical reenactment on the premises of a license holder.

SECTION 3. Amends Section 46.035, Penal Code, by adding Subsection (j), to provide that Subsections (a) and (b)(1) (relating to the unlawful carrying of a handgun by a license holder) do not apply to a historical reenactment performed in compliance with the rules of TABC.

SECTION 4. Amends Section 46.15, Penal Code, by adding Subsection (i), to provide that the provisions of Section 46.02 (Unlawful Carrying Weapons) prohibiting the carrying of a handgun do not apply to an individual who carries a handgun as a participant in a historical reenactment performed in accordance with the rules of TABC.

SECTION 5. (a) Requires TABC to adopt rules under Sections 11.61(i) and 67.71(j), Alcoholic Beverage Code, as added by this Act, not later than January 1, 2006.

- (b) Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2005.