

BILL ANALYSIS

Senate Research Center
81R3150 SJM-F

S.B. 729
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Criminal Justice
2/27/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a concealed handgun licensee can be charged with a Class A misdemeanor for carrying the concealed handgun into an establishment that derives 51 percent or more of its income from the sale of alcoholic beverages even if the establishment has failed to post the statutorily required notice that the establishment derives 51 percent or more of its income from the sale of alcoholic beverages.

As proposed, S.B. 729 provides a defense to prosecution for a concealed handgun licensee who violates the prohibition on carrying a concealed handgun into an establishment that derives 51 percent or more of its income from the sale of alcoholic beverages if that establishment has failed to post the statutorily required notice that it derives 51 percent or more of its income from the sale of alcoholic beverages.

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 46.035, Penal Code, by adding Subsection (k), to provide that it is a defense to prosecution under Subsection (b)(1) that the actor was not given effective notice under Section 411.204 (Notice Required on Certain Premises), Government Code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.