

BILL ANALYSIS

Senate Research Center
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H.B. 1791
By: Krause et al. (Fallon)
State Affairs
5/16/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1791 amends current law relating to the carrying of handguns by license holders on property owned or leased by a governmental entity.

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 411.209, Government Code, by amending Subsections (a), (d), and (f) and adding Subsection (j), as follows:

(a) Prohibits a state agency or a political subdivision of the state, except as provided by Subsection (i), from taking any action, including an action consisting of the provision of notice by a communication described by Section 30.06 (Trespass by License Holder With a Concealed Handgun) or 30.07 (Trespass by License Holder With an Openly Carried Handgun), Penal Code, that states or implies that a license holder who is carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03 (Places Weapons Prohibited) or 46.035 (Unlawful Carrying of Handgun by License Holder), Penal Code, or other law, rather than as described by Section 30.06, Penal Code, or by any sign expressly referring to that law or to a license to carry a handgun, that a license holder carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03 or 46.035, Penal Code.

(d) Authorizes a resident of this state or a person licensed to carry a handgun under this subchapter (License to Carry a Handgun) to file a complaint with the Texas attorney general (attorney general) that a state agency or political subdivision is in violation of Subsection (a) if the resident or license holder provides the agency or subdivision a written notice if the resident or person proved the agency or subdivision a written notice that describes the location and general facts of the violation and the agency or subdivision does not cure the violation before the end of the third business day after the date of receiving the written notice, rather than that describes the location and general facts of the violation and specific location of the sign found to be in violation and the agency or subdivision does not cure the violation before the end of the third business day after the date of receiving the written notice. Requires a complaint filed with the attorney general under this subsection to include evidence of the violation and a copy of the written notice provided to the agency or subdivision.

(f) Requires the attorney general, before a suit may be brought against a state agency or a political subdivision of the state for a violation of Subsection (a), to investigate the complaint to determine whether legal action is warranted. Requires the attorney general,

if legal action is warranted, to give the chief administrative officer of the agency or political subdivision charged with the violation a written notice that:

(1) describes the violation, rather than describes the violation and specific location of the sign found to be in violation;

(2) makes no changes to this subdivision; and

(3) gives the agency or political subdivision 15 days from receipt of the notice to cure the violation to avoid the penalty, rather than gives the agency or political subdivision 15 days from receipt of the notice to remove the sign and cure the violation to avoid the penalty, unless the agency or political subdivision was found liable by a court for previously violating Subsection (a).

(j) Defines "premises" for purposes of this section.

SECTION 2. Makes application of Section 411.209, Government Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2019.