

## **BILL ANALYSIS**

Senate Research Center  
87R7087 MEW-F

H.B. 2112  
By: Metcalf et al. (Springer)  
State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Generally, Texas license holders can carry openly or concealed in any place not expressly prohibited by law. License holders may be subject to criminal charges for carrying a handgun in plain view unless carried in a shoulder or belt holster specifically.

However, there are many different types of holsters:

- belly bands make it easy to conceal your firearm under your clothing;
- inside/outside waistbands. Waistband holsters are designed to sit either under your belt or outside of your belt;
- ankle holsters;
- shoulder holsters; and
- pocket holsters

After conferring with law enforcement agencies, the critical part of carrying a firearm in Texas safely is that one house their firearm in a holster, not really the type of holster.

H.B. 2112 strikes a belt or shoulder from existing law, allowing one to use any type of holster for properly carrying a gun in Texas.

H.B. 2112 amends current law relating to the carrying of holstered handguns by handgun license holders.

### **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 30.05(f), Penal Code, to provide that it is a defense to prosecution under Section 30.05 (Criminal Trespass) that the person was carrying a handgun in a holster, rather than in a shoulder or belt holster.

SECTION 2. Amends Section 30.07(f), Penal Code, to make a conforming change.

SECTION 3. Amends Section 46.02(a-1), Penal Code, to make a conforming change.

SECTION 4. Amends Sections 46.035(a), (b), (c), and (d), Penal Code, to make conforming changes.

SECTION 5. Amends Section 46.15(b), Penal Code, to make a conforming change.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2021.