

SUBJECT: Removing places of worship from crime of carrying handgun by licensee

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 5 ayes — Collier, Zedler, Hunter, P. King, Murr

2 nays — J. González, Moody

2 absent — K. Bell, Pacheco

SENATE VOTE: On final passage, May 1 — 23-8 (Alvarado, Johnson, Lucio, Menéndez, Powell, Rodríguez, Watson, Whitmire)

WITNESSES: *On House companion bill, HB 1231:*

For —Michael Cargill, Central Texas Gun Works; Rachel Malone, Gun Owners of America; Tara Mica, National Rifle Association; Rick Briscoe, Open Carry Texas; Alice Tripp, Texas State Rifle Association; Kenneth Gibson; Tom Glass; (*Registered, but did not testify:* Mollie Clakley, Texas Concealed Handgun Association; Damon Rambo, First Baptist Church Markham; CJ Grisham, Open Carry Texas; and six individuals)

Against — Gyl Switzer, Texas Gun Sense; Bonnie Thomas; (*Registered, but did not testify:* Ed Scruggs, City of Austin Public Safety Commission; Vinit Shah, Children's Defense Fund Texas; Bill Kelly, City of Houston Mayor's Office; M. Paige Williams, Dallas County Criminal District Attorney John Creuzot; Leesa Ross, Lock Arms for Life; Vicki Altounian, Melanie Greene, Julia Heilrayne, Nancy Leeper, Robert Leeper, Beth Martinez, Elva Mendoza, Jennifer Price, and Alice Spencer, Moms Demand Action for Gun Sense in America; Kerry Brosnihan; Cynthia Klentzman; Hector Zamora)

On — Terry Holcomb, Texas Carry; (*Registered, but did not testify:* Steve Moniger, Department of Public Safety)

BACKGROUND: Penal Code secs. 30.06 and 30.07 make it a class C misdemeanor punishable by fine of up to \$200 for a handgun license holder to either

conceal or openly carry a handgun on another's property without effective consent if the license holder received oral or written notice that entry on the property by a license holder with a concealed handgun was forbidden.

Penal Code sec. 46.035(b)(6), makes it a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) for a handgun license holder to intentionally, knowingly, or recklessly conceal or openly carry a handgun on the premises of a church, synagogue, or other established place of religious worship. Under sec. 46.035(i), the offense does not apply if the license holder was not given effective notice under secs. 30.06 or 30.07.

DIGEST: SB 535 would remove the premises of a church, synagogue, or other established place of religious worship from the list of premises on which the carrying of a handgun by a handgun license holder constituted an offense under Penal Code sec. 46.035.

The bill would take effect September 1, 2019, and would apply only to an offense committed on or after that date.

SUPPORTERS SAY: SB 535 would clarify that handgun license holders are allowed to legally carry handguns in churches, synagogues, and other places of worship in certain circumstances and that places of worship have the discretion to allow or ban handguns on their premises, addressing concerns that current law is confusing to license holders.

Under current law, if a place of worship decides to prohibit the concealed or open carrying of handguns on its premises, it may provide notice under Penal Code secs. 30.06 or 30.07, which would make it an offense for a license holder to carry a handgun on those premises. If a place of worship does not provide notice, a license holder is allowed to carry a handgun on its premises. The bill would conform to a 2017 attorney general opinion that stated, "Unless a church provides effective oral or written notice prohibiting the carrying of handguns on its property, a license holder may carry a handgun onto the premises of church property as the law allows."

SB 535 would not expand gun rights or expressly allow handgun license holders to carry handguns onto the premises of places of worship. The bill simply would treat places of worship the same under the law as other private property with regard to the offense of a license holder carrying a handgun on premises without effective consent. Under the bill, places of worship would continue to have the ability to decide whether to allow or ban handguns by choosing whether or not to post notice.

OPPONENTS
SAY:

Although SB 535 would not result in an expansion of gun rights, it would reduce the penalty for the unauthorized carrying of a handgun into a place of worship by a license holder from a class A to a class C misdemeanor. This change could send a message that guns were welcome in churches, inappropriately addressing incidents of gun violence by potentially encouraging license holders to carry handguns on the premises of churches or other places of worship rather than emphasizing gun safety.

OTHER
OPPONENTS
SAY:

SB 535 would not go far enough to treat all private property the same under the law with respect to decisions regarding handguns on premises. The bill also should remove other private property that the offense in Penal Code sec. 46.035 does not apply to if a handgun license holder is not given effective notice under Penal Code secs. 30.06 or 30.07. This would further ensure that lawful handgun license holders were not confused by any aspect of the law.