

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1177
By: Phelan et al. (Creighton)
State Affairs
5/13/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, when an area is under a mandatory evacuation, Texans must decide whether they obey restrictive licensing laws on carrying their firearms or follow those laws, resulting in being unarmed and unprotected, risking those firearms being stolen from looting crimes. H.B. 1177 eliminates this conundrum by allowing Texans without a license-to-carry to carry their firearms when their property is under a mandatory evacuation. (Original Author's/Sponsor's Statement of Intent)

H.B. 1177 amends current law relating to carrying a concealed handgun following a mandatory evacuation order issued during a state of disaster.

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 46.15, Penal Code, by adding Subsections (k) and (l), as follows:

(k) Provides that Section 46.02 (Unlawful Carrying Weapons) does not apply to a person who carries a handgun if:

(1) the person carries the handgun in a concealed manner;

(2) the person carries the handgun while:

(A) evacuating from an area following a mandatory evacuation order issued during a state of disaster declared under Section 418.014 (Declaration of State of Disaster), Government Code, or a local state of disaster under Section 418.108 (Declaration of Local Disaster), Government Code, with respect to that area; or

(B) reentering that area following the person's evacuation;

(3) not more than 48 hours have elapsed since the mandatory evacuation order was issued or more than 48 hours have elapsed since the mandatory evacuation order was issued and the governor has extended the period during which a person is authorized to carry a concealed handgun; and

(4) the person is not prohibited by state or federal law from possessing a firearm.

(l) Defines "evacuating" for purposes of Subsection (k).

SECTION 2. Makes application of this Act prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 3. Effective date: September 1, 2019.