

BILL ANALYSIS

Senate Research Center
86R13642 JRR-F

S.B. 2381
By: Hughes
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 85th Legislature passed H.B. 1935, which removed antiquated restrictions on certain knives that were listed in the statute with no definitions. It also created a new class of knife called a "location-restricted knife."

The stated purpose was to restrict knives with blades over 5½ inches long from the same places where firearms are restricted. This has created an unintended consequence. Three of the places where these knives are restricted engage in food service: 51 percent establishments (where a business derives at least 51 percent of its income from alcohol consumed on the premises), amusement parks, and religious institutions.

All of these places have food service and workers may need to possess these knives. Workers are currently, and without criminal intent, possessing these tools in these places in violation of the statute. S.B. 2381 is created to allow the carrying of chef knives in these locations.

As proposed, S.B. 2381 amends current law relating to the places where certain knives are prohibited.

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 46.03(a-1), Penal Code, as follows:

(a-1) Deletes existing text providing that a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a location-restricted knife on the premises of a business that has a permit or license issued under Chapter 25 (Offenses Against the Family), 28 (Arson, Criminal Mischief, and Other Property Damage or Destruction), 32 (Fraud), 69 (Retail Dealer's On-Premise License), or 74 (Brewpub License), Alcoholic Beverage Code, if the business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption, as determined by the Texas Alcoholic Beverage Commission under Section 104.06 (Monitoring of Gross Receipts), Alcoholic Beverage Code.

Renumbers Subdivisions (2)–(5) as Subdivisions (1)–(4).

(1)–(4) Makes no changes to these subdivisions.

Deletes existing text providing that a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a location-restricted knife in an amusement park or on the premises of a church, synagogue, or other established place of religious worship.

SECTION 2. Amends Section 46.03(c)(2), Penal Code, to define "premises" to have the meaning assigned by Section 46.035 (Unlawful Carrying of Handgun by License Holder).

SECTION 3. Makes application of this Act prospective.

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SECTION 4. Effective date: September 1, 2019.