

## **BILL ANALYSIS**

Senate Research Center  
86R6138 LHC-D

S.B. 535  
By: Campbell  
State Affairs  
4/23/2019  
As Filed

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

A 2018 attorney general opinion deemed it lawful for citizens with a licensed permit to carry for self-defense in a church so long as the church has not posted a 30.06 or 30.07 as required by state law. S.B. 535 codifies this opinion and provides consistency in statute by amending Chapter 46 of the Penal Code to make it clear that places of worship are to be treated the same as other private property when determining whether a license holder may carry on premises. It also provides uniform penalties for license holders who fail to adhere to posted "no carry" signs on private property by bringing Chapter 46 language into alignment with the updated penalties currently in Chapter 30 of the Penal Code.

As proposed, S.B. 535 amends current law relating to the prosecution of and punishment for the offense of unlawfully carrying a handgun by a license holder.

### **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 Sections 46.035(b), (g), and (i), Penal Code, as follows:

(b) Deletes a church, synagogue, or other established place of religious worship from the list of premises where a license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H (License to Carry), Chapter 411, Government Code, regardless of whether the handgun is concealed or carried in a shoulder or belt holster.

(g) Provides that except as otherwise provided by this subsection, an offense under this section is a Class A misdemeanor. Provides that an offense under Subsection (b)(4) (relating to an offense on the premises of hospital and nursing facilities), (b)(5) (relating to an offense on the premises of an amusement park), or (c) is a Class C misdemeanor punishable by a fine not to exceed \$200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given notice by oral communication under Section 30.06 (Trespass by License Holder With a Concealed Handgun) or 30.07 (Trespass by License Holder With an Openly Carried Handgun) that entry on the property was forbidden and subsequently failed to depart. Makes nonsubstantive changes.

(i) Makes a conforming change.

SECTION 2. Amends Section 46.035(h-1), Penal Code, as added by Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, to make a conforming change.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2019.