

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 535
By: Campbell
State Affairs
4/25/2019
Committee Report (Substituted)

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. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 535 amends current law relating to the carrying of a handgun by a license holder on the premises of certain places of religious worship.

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) 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.

(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. Provides that for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. Effective date: September 1, 2019.