

## **BILL ANALYSIS**

H.B. 121  
By: Swanson  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been noted that an individual who mistakenly carries a handgun on a premises that prohibits handguns could be prosecuted for the mistake, even if the individual leaves the property once the owner has notified them of the prohibition. H.B. 121 seeks to provide a defense to prosecution for offenses of trespass by a handgun license holder with a handgun for a license holder who promptly leaves the premises in question after receiving oral notice that entry on the premises with a handgun was forbidden.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 121 amends the Penal Code to establish as a defense to prosecution for trespass by a handgun license holder with a concealed handgun and trespass by a handgun license holder with an openly carried handgun that the license holder was personally given notice, by oral communication from the owner of the property or someone with apparent authority to act for the owner, that entry on the property by a license holder with a concealed or openly carried handgun, as applicable, was forbidden and the license holder promptly departed from the property.

### **EFFECTIVE DATE**

September 1, 2019.