

BILL ANALYSIS

H.B. 530
By: Patterson
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Office of the Attorney General (OAG), in a nonbinding opinion, has stated that presiding election judges are within their rights to lawfully carry a firearm on the premises of a polling place while voting is occurring. Citing a 1913 court decision by the Texas Court of Criminal Appeals where the presiding officer of an election was deemed to have the legal authority of a peace officer with respect to polling places, OAG suggested a court would interpret the statutes according to the same analysis used in the case and entitle a presiding election judge to carry a firearm. Even so, questions have been raised regarding the ambiguity of previous judicial interpretation of the issue. H.B. 530 seeks to clarify this ambiguity and provide clarity in the statute by exempting a presiding election judge from application of the offense for possessing a handgun on the premises of a polling place.

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. 530 amends the Penal Code to exempt a presiding election judge carrying a licensed handgun on the premises of a polling place on the day of an election or while early voting is in progress from application of the offense for intentionally, knowingly, or recklessly possessing or going with a handgun on those premises.

EFFECTIVE DATE

September 1, 2021.