

By: Hall, et al.

S.B. No. 439

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of unlawful carrying of weapons.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 46.02(a) and (a-1), Penal Code, are amended to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun, illegal knife, or club when ~~if~~ the person is not:

(1) on the person's own premises or premises under the person's control; ~~or~~

(2) on premises owned by or under the control of another person, provided that the owner or the person in control of the premises consents to the carrying of the weapon;

(3) inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control; or

(4) inside of or directly en route to a motor vehicle or watercraft owned by or under the control of another person, provided that the owner or the person in control of the motor vehicle or watercraft consents to the carrying of the weapon.

(a-1) A person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun in a motor vehicle or watercraft that is owned

1 by the person or under the person's control at any time in which[+]

2 [~~(1) the handgun is in plain view, or~~

3 [~~(2)~~] the person is:

4 (1) [~~(A)~~] engaged in criminal activity, other than a
5 Class C misdemeanor that is a violation of a law or ordinance
6 regulating traffic or boating;

7 (2) [~~(B)~~] prohibited by law from possessing a firearm;
8 or

9 (3) [~~(C)~~] a member of a criminal street gang, as
10 defined by Section 71.01.

11 SECTION 2. The change in law made by this Act applies to an
12 offense under Section 46.02, Penal Code, committed before, on, or
13 after the effective date of this Act, except that a final conviction
14 for an offense under that section that exists on the effective date
15 of this Act is unaffected by this Act.

16 SECTION 3. This Act takes effect September 1, 2015.