

A BILL TO BE ENTITLED  
STEVE ERMIS OPEN CARRY ACT

AN ACT

relating to the authority of a person to openly carry the handgun.

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

SECTION 1. Section 42.01 DISORDERLY CONDUCT. (h) unless other facts and circumstances indicate a criminal or malicious intent on the part of the actor displaying the firearm, no person may be in violation of subsection (a)(8), or be charged with a violation of subsection (a)(8), an ordinance of a political subdivision relating to disorderly conduct or other inappropriate behavior for loading, carrying, or going armed with a firearm, without regard to whether the firearm is loaded or is concealed or openly carried. Municipalities may not create any ordinance in violation of this subsection altering the definition of disorderly conduct.

SECTION 2. Section 46.02(6), Penal Code, is repealed.

SECTION 3. Section 46.02 (a) Penal Code is amended to read as follows:

(a) A person commits an offense if he intentionally, knowingly, or recklessly carries on or about his person [~~a concealed handgun~~], ~~illegal knife~~, or club.

SECTION 4. Sections 46.035(a), (b) and (h), Penal Code, are repealed.

SECTION 5. Section 11.041(a), Alcoholic Beverage Code, is repealed.

SECTION 6. Section 11.61(e), Alcoholic Beverage Code, is repealed

SECTION 7. Section 61.11(a), Alcoholic Beverage Code, is repealed.

SECTION 8. Section 61.71(f), Alcoholic Beverage Code, is repealed.

SECTION 9. Section 229.001(a), Local Government Code, is amended to read as follows:

(a) A municipality or agency may not adopt regulations relating to the transfer, private ownership, keeping, transportation, licensing, wearing, carrying, or registration of firearms, ammunition, or firearm supplies.

SECTION 10. Sections 62.082(d) and (e), Parks and Wildlife Code, are amended to read as follows:

(d) Section 62.081 does not apply to:

(1) an employee of the Lower Colorado River Authority;

(2) a person authorized to hunt under Subsection (c);

~~(3) a peace officer as defined by Article 2.12, Code of Criminal Procedure; or~~

(4) a person who:

~~(A) possesses a concealed handgun and a license issued under Subchapter H, Chapter 411, Government Code, to carry a concealed handgun of the same category as a handgun the person is carrying; or~~

(B) under circumstances in which the person would be justified in the use of deadly force under Chapter 9, Penal Code, shoots a handgun of the same category as a handgun the person is licensed to carry under Subchapter H, Chapter 411, Government Code.

(e) A state agency, including the department, the Department of Public Safety, and the Lower Colorado River Authority, may not adopt a rule that prohibits a person who possesses a license issued under Subchapter H, Chapter 411, Government Code, from entering or crossing the land of the Lower Colorado River Authority while:

~~(1) possessing a concealed handgun of the same category as a handgun the person is licensed to carry; or~~

(2) under circumstances in which the person would be justified in the use of deadly force under Chapter 9, Penal Code, shooting a handgun of the same category as a handgun the person is ~~licensed to carry~~ lawfully carrying.

SECTION 11. Section 46.15(b)(6), Penal Code, is repealed.

SECTION 12. The change in law made by this Act relating to the authority of a person to openly carry a handgun applies to the carrying of a handgun on or after the effective date of this Act by any person who is legally authorized to own, possess, or transport a handgun under Federal and Texas laws.

SECTION 13. The changes in law made by this Act to Sections 30.05, 30.06, 46.03, 46.035, and 46.15, Penal Code, apply only to an offense committed on or after the effective date of this Act.

An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. 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 14. This Act takes effect immediately.