

BILL ANALYSIS

C.S.H.B. 308
By: Springer
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that concealed handgun license holders are currently restricted from carrying a handgun on certain premises. The parties have raised concerns that, in adhering to the restrictions, license holders are forced to leave the handgun in the license holder's vehicle where it is more susceptible to being stolen, or at home, causing the license holder to become vulnerable while away from the vehicle or home. The parties also assert that such restrictions may increase risks to public safety as the area around a vehicle containing a handgun could become vulnerable if an unlicensed person steals the handgun from inside the vehicle. C.S.H.B. 308 seeks to address these concerns.

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

C.S.H.B. 308 amends the Penal Code to decrease from a Class A misdemeanor to a Class C misdemeanor punishable by a fine not to exceed \$200 the penalty for the offense of trespass by a concealed handgun license holder. The bill enhances the penalty for that offense to a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given notice by oral communication that entry on the property by a license holder with a concealed handgun was forbidden or that remaining on the property with a concealed handgun was forbidden and the license holder subsequently failed to depart.

C.S.H.B. 308 specifies that an offense relating to places where weapons are prohibited involving a person intentionally, knowingly, or recklessly carrying or going with a firearm, illegal knife, club, or other prohibited weapon on any grounds or building on which an activity sponsored by a school or educational institution is being conducted applies only with respect to the portion of the grounds or building on which such activity is being conducted. The bill establishes a defense to prosecution for such an offense if, at the time of the commission of the offense, the actor was carrying a concealed handgun that the actor was licensed to carry and no other prohibited weapon, the actor was not otherwise prohibited from carrying the handgun under other law, the activity sponsored by the school or educational institution was a field trip, and the actor was not a student, teacher, school administrator, school district administrator, or chaperone taking the field trip. The bill specifies that an offense relating to places where weapons are prohibited involving a person intentionally, knowingly, or recklessly carrying or going with a firearm,

illegal knife, club, or other prohibited weapon on the premises of a polling place on the day of an election or while early voting is in progress applies only with respect to the portion of the premises of the polling place where voting or other election-related activities are occurring.

C.S.H.B. 308 removes from the conduct constituting the offense of unlawful carrying of a handgun by a concealed handgun license holder the intentional, knowing, or reckless carrying of a handgun by a license holder, regardless of whether the handgun is concealed, on or about the license holder's person on the premises of a licensed hospital or licensed nursing home, in an amusement park, or on the premises of a church, synagogue, or other established place of religious worship. The bill decreases from a Class A misdemeanor to a Class C misdemeanor the penalty for the unlawful carrying of a handgun by a concealed handgun license holder and enhances the penalty for that offense to a Class A misdemeanor if the license holder carries the handgun while intoxicated or has previously been convicted of unlawfully carrying a handgun. The bill removes the penalty enhancement for the unlawful carrying of a handgun by a license holder on the premises of a correctional facility or on the premises of certain businesses that have a permit or license issued under the Alcoholic Beverage Code. The bill removes the affirmative defense to prosecution for the unlawful carrying of a handgun by a license holder on such premises, on the premises where a high school, collegiate, or professional sporting event is taking place, or at any meeting of a governmental entity based on the actor being, at the time of the commission of the offense, a judge or justice of a federal court, an active judicial officer, or a district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney.

C.S.H.B. 308 amends the Government Code to redefine "retired judicial officer," for purposes of statutory provisions relating to concealed handgun licenses for active and retired judicial officers, to include a retired federal judge who is a Texas resident.

C.S.H.B. 308 repeals Section 411.204(b), Government Code.

EFFECTIVE DATE

January 1, 2016.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 308 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 30.06(c)(2), Penal Code, is amended to read as follows:

(2) "License holder" has the meaning assigned by Section 46.035(d) [~~46.035(f)~~].

SECTION 2. Section 30.06(e) and (f), Penal Code, is amended to read as follows:

(e) It is an exception to the application of this section that the property on which the license holder carries a handgun is owned or leased by a governmental entity [~~and is not a~~

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

No equivalent provision.

~~premises or other place on which the license holder is prohibited from carrying the handgun under Section 46.03 or 46.035].~~

No equivalent provision.

No equivalent provision.

SECTION 1. Section 30.06(d), Penal Code, is amended to read as follows:

(d) An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given the notice by oral communication described by Subsection (b) and subsequently failed to depart.

SECTION 2. Section 46.03, Penal Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(a):

(1) unless pursuant to written regulations or written authorization of a school or educational institution, and regardless of whether the school or educational institution is public or private, on:

(A) the physical premises of the [a] school or educational institution;

(B) the portion of[-] any grounds or building on which an activity sponsored by the [a] school or educational institution is being conducted; [-] or

(C) a passenger transportation vehicle of the [a] school or educational institution[-] ~~whether the school or educational institution is public or private, unless pursuant to written regulations or written authorization of the institution];~~

(2) on the portion of the premises of a polling place where voting or other election-related activities are occurring on the day of an election or while early voting is in progress;

(3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;

(4) on the premises of a racetrack;

(5) in or into a secured area of an airport; or

(6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of

execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited.

(b-1) It is a defense to prosecution under Subsection (a)(1)(B) that at the time of the commission of the offense:

(1) the actor was carrying a handgun under the authority of Subchapter H, Chapter 411, Government Code, and no other weapon to which this section applies;

(2) the actor was not otherwise prohibited from carrying the handgun under another provision of this code or other law;

(3) the activity sponsored by the school or educational institution was a field trip; and

(4) the actor was not a student, teacher, school or school district administrator, or chaperone taking the field trip.

No equivalent provision.

SECTION 3. Section 46.03(c)(1), Penal Code, is amended to read as follows:

(1) "Premises" means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area, or any portion of the building in which the activity prompting the prohibition is not then ongoing [~~has the meaning assigned by Section 46.035~~].

SECTION 4. Section 46.035, Penal Code, as amended by Chapters 1214 (H.B. 1889) and 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

Sec. 46.035. UNLAWFUL CARRYING OF HANDGUN BY LICENSE HOLDER. (a) A license holder commits an offense if the license holder carries a handgun on or about the license holder's person under the authority of Subchapter H, Chapter 411, Government Code, and intentionally ~~fails to conceal~~ the handgun.

(b) [~~A license holder commits an offense if the license holder intentionally, knowingly,~~

SECTION 3. Section 46.035, Penal Code, as amended by Chapters 1214 (H.B. 1889) and 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

Sec. 46.035. UNLAWFUL CARRYING OF HANDGUN BY LICENSE HOLDER. (a) A license holder commits an offense if the license holder carries a handgun on or about the license holder's person under the authority of Subchapter H, Chapter 411, Government Code, and intentionally ~~displays the handgun in plain view of another person in a public place.~~

(b) A license holder ~~commits an offense if the license holder intentionally, knowingly,~~

~~or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed, on or about the license holder's person;~~

~~[(1) on the premises of a business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, if the business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption, as determined by the Texas Alcoholic Beverage Commission under Section 104.06, Alcoholic Beverage Code;~~

~~[(2) on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event;~~

~~[(3) on the premises of a correctional facility;~~

~~[(4) on the premises of a hospital licensed under Chapter 241, Health and Safety Code, or on the premises of a nursing home licensed under Chapter 242, Health and Safety Code, unless the license holder has written authorization of the hospital or nursing home administration, as appropriate;~~

~~[(5) in an amusement park; or~~

~~[(6) on the premises of a church, synagogue, or other established place of religious worship.~~

~~[(e) A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed, at any meeting of a governmental entity.~~

~~[(d)] A license holder commits an offense if, while intoxicated, the license holder carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed.~~

~~(c) [(e)] A license holder who is licensed as a security officer under Chapter 1702, Occupations Code, and employed as a security officer commits an offense if, while in the course and scope of the security officer's employment, the security officer~~

or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed, on or about the license holder's person;

(1) on the premises of a business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, if the business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption, as determined by the Texas Alcoholic Beverage Commission under Section 104.06, Alcoholic Beverage Code;

(2) on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event; or

(3) on the premises of a correctional facility;

[(4) on the premises of a hospital licensed under Chapter 241, Health and Safety Code, or on the premises of a nursing home licensed under Chapter 242, Health and Safety Code, unless the license holder has written authorization of the hospital or nursing home administration, as appropriate;

[(5) in an amusement park; or

[(6) on the premises of a church, synagogue, or other established place of religious worship].

(c) A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed, at any meeting of a governmental entity.

(d) A license holder commits an offense if, while intoxicated, the license holder carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed.

(e) A license holder who is licensed as a security officer under Chapter 1702, Occupations Code, and employed as a security officer commits an offense if, while in the course and scope of the security officer's employment, the security officer

violates a provision of Subchapter H, Chapter 411, Government Code.

~~(d) [(f)]~~ In this section, "license" means:
~~[(1) "Amusement park" means a permanent indoor or outdoor facility or park where amusement rides are available for use by the public that is located in a county with a population of more than one million, encompasses at least 75 acres in surface area, is enclosed with access only through controlled entries, is open for operation more than 120 days in each calendar year, and has security guards on the premises at all times. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.~~
~~[(2) "License holder" means a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code.~~
~~[(3) "Premises" means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.]~~

~~(e) [(g)]~~ An offense under this section ~~[Subsection (a), (b), (c), (d), or (e)]~~ is a Class C ~~[A]~~ misdemeanor, unless the offense is committed under Subsection (b) and the license holder has previously been convicted of an offense under Subsection (b), in which the event the offense is a Class B Misdemeanor [(b)(1) or (b)(3), in which event the offense is a felony of the third degree].

~~(f) [(h)]~~ It is a defense to prosecution under Subsection (a) that the actor, at the time of the commission of the offense, displayed the handgun under circumstances in which the actor would have been justified in the use of [deadly] force or threat of force under Chapter 9.

~~(g) Subsection (a) does [(h-1) It is a defense to prosecution under Subsections (b) and (c) that the actor, at the time of the commission of the offense, was:~~
~~[(1) an active judicial officer, as defined by Section 411.201, Government Code; or~~
~~[(2) a bailiff designated by the active judicial officer and engaged in escorting the~~

violates a provision of Subchapter H, Chapter 411, Government Code.

(f) In this section:
(1) ["Amusement park" means a permanent indoor or outdoor facility or park where amusement rides are available for use by the public that is located in a county with a population of more than one million, encompasses at least 75 acres in surface area, is enclosed with access only through controlled entries, is open for operation more than 120 days in each calendar year, and has security guards on the premises at all times. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.
(2) "License holder" means a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code.
(2) [(3)] "Premises" means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.

(g) An offense under this section ~~[Subsection (a), (b), (c), (d), or (e)]~~ is a Class C ~~[A]~~ misdemeanor, unless the offense is committed under Subsection (d) or the license holder has previously been convicted of an offense under this section [(b)(1) or (b)(3)], in which event the offense is a Class A misdemeanor ~~[felony of the third degree]~~.

(h) It is a defense to prosecution under Subsection (a) that the actor, at the time of the commission of the offense, displayed the handgun under circumstances in which the actor would have been justified in the use of force or deadly force under Chapter 9.

~~(h-1) It is a defense to prosecution under Subsections (b) and (c) that the actor, at the time of the commission of the offense, was:~~
~~(1) an active judicial officer, as defined by Section 411.201, Government Code; or~~
~~(2) a bailiff designated by the active judicial officer and engaged in escorting the officer.~~

officer.

~~[(h-1) It is a defense to prosecution under Subsections (b)(1), (2), and (4) (6), and (c) that at the time of the commission of the offense, the actor was:~~

~~[(1) a judge or justice of a federal court;
[(2) an active judicial officer, as defined by Section 411.201, Government Code; or
[(3) a district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney.]~~

~~[(i) Subsections (b)(4), (b)(5), (b)(6), and (c) do not apply if the actor was not given effective notice under Section 30.06.~~

~~[(j) Subsections (a) and (b)(1) do] not apply to a historical reenactment performed in compliance with the rules of the Texas Alcoholic Beverage Commission.~~

~~[(k) It is a defense to prosecution under Subsection (b)(1) that the actor was not given effective notice under Section 411.204, Government Code.]~~

SECTION 5. Sections 46.15(a) and (b), Penal Code, are amended to read as follows:

(a) Sections 46.02 and 46.03 do not apply to:

(1) peace officers or special investigators under Article 2.122, Code of Criminal Procedure, and neither section prohibits a peace officer or special investigator from carrying a weapon in this state, including in an establishment in this state serving the public, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon;

(2) parole officers and neither section prohibits an officer from carrying a weapon in this state if the officer is:

(A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B) in compliance with policies and procedures adopted by the Texas Department of Criminal Justice regarding the possession of a weapon by an officer while on duty;

~~[(h-1) It is a defense to prosecution under Subsections (b)(1), (2), and (4) (6), and (c) that at the time of the commission of the offense, the actor was:~~

~~[(1) a judge or justice of a federal court;
[(2) an active judicial officer, as defined by Section 411.201, Government Code; or
[(3) a district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney.]~~

(i) Subsection ~~[Subsections (b)(4), (b)(5), (b)(6), and] (c) does [do] not~~ apply if the actor was not given effective notice under Section 30.06.

(j) Subsections (a) and (b)(1) do not apply to a historical reenactment performed in compliance with the rules of the Texas Alcoholic Beverage Commission.

(k) It is a defense to prosecution under Subsection (b)(1) that the actor was not given effective notice under Section 411.204, Government Code.

No equivalent provision.

(3) community supervision and corrections department officers appointed or employed under Section 76.004, Government Code, and neither section prohibits an officer from carrying a weapon in this state if the officer is:

(A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B) authorized to carry a weapon under Section 76.0051, Government Code;

~~(4) [an active judicial officer as defined by Section 411.201, Government Code, who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;~~

~~[(5)] an honorably retired peace officer or federal criminal investigator who holds a certificate of proficiency issued under Section 1701.357, Occupations Code, and is carrying a photo identification that:~~

~~(A) verifies that the officer honorably retired after not less than 15 years of service as a commissioned officer; and~~

~~(B) is issued by a state or local law enforcement agency;~~

~~(5) a person who is carrying a concealed handgun and a valid license issued under Subchapter H, Chapter 411, Government Code, to carry a concealed handgun of the same category as the handgun the person is carrying.~~

~~(6) [(9)] a juvenile probation officer who is authorized to carry a firearm under Section 142.006, Human Resources Code.~~

(b) Section 46.02 does not apply to a person who:

(1) is in the actual discharge of official duties as a member of the armed forces or state military forces as defined by Section 431.001, Government Code, or as a guard employed by a penal institution;

(2) is traveling;

(3) is engaging in lawful hunting, fishing, or other sporting activity on the immediate premises where the activity is conducted, or is en route between the premises and the actor's residence, motor vehicle, or watercraft, if the weapon is a type commonly used in the activity;

(4) holds a security officer commission issued by the Texas Private Security Board, if the person is engaged in the performance of the person's duties as an officer commissioned under Chapter 1702,

Occupations Code, or is traveling to or from the person's place of assignment and is wearing the officer's uniform and carrying the officer's weapon in plain view;

(5) acts as a personal protection officer and carries the person's security officer commission and personal protection officer authorization, if the person:

(A) is engaged in the performance of the person's duties as a personal protection officer under Chapter 1702, Occupations Code, or is traveling to or from the person's place of assignment; and

(B) is either:

(i) wearing the uniform of a security officer, including any uniform or apparel described by Section 1702.323(d), Occupations Code, and carrying the officer's weapon in plain view; or

(ii) not wearing the uniform of a security officer and carrying the officer's weapon in a concealed manner;

~~(6) [is carrying a concealed handgun and a valid license issued under Subchapter H, Chapter 411, Government Code, to carry a concealed handgun of the same category as the handgun the person is carrying;~~

~~[(7)] holds an alcoholic beverage permit or license or is an employee of a holder of an alcoholic beverage permit or license if the person is supervising the operation of the permitted or licensed premises; or~~

~~(7) [(8)] is a student in a law enforcement class engaging in an activity required as part of the class, if the weapon is a type commonly used in the activity and the person is:~~

~~(A) on the immediate premises where the activity is conducted; or~~

~~(B) en route between those premises and the person's residence and is carrying the weapon unloaded.~~

SECTION 6. Section 411.179(c), Government Code, is amended to read as follows:

(c) In adopting the form of the license under Subsection (a), the department shall establish a procedure for the license of a qualified handgun instructor ~~[or of a judge, justice, prosecuting attorney, or assistant prosecuting attorney, as described by Section 46.15(a)(5)(A), (B), or (C) [46.15(a)(4) or (6)], Penal Code,]~~ to indicate on the license the license holder's status as a

No equivalent provision.

qualified handgun instructor [~~or as a judge, justice, district attorney, criminal district attorney, or county attorney~~]. In establishing the procedure, the department shall require sufficient documentary evidence to establish the license holder's status under this subsection.

SECTION 7. Section 411.198(b), Government Code, is amended to read as follows:

(b) It is a defense to prosecution under Section 46.035(a) [~~46.035~~], Penal Code, that the actor, at the time of the commission of the offense, was the holder of an alias license issued under this section.

No equivalent provision.

No equivalent provision.

SECTION 8. Section 11.041(a), Alcoholic Beverage Code, is amended to read as follows:

(a) Each holder of a permit [~~who is not otherwise required to display a sign under Section 411.204, Government Code,~~] shall display in a prominent place on the permit holder's premises a sign giving notice that it is unlawful for a person to carry a weapon

No equivalent provision.

SECTION 4. Section 411.201(a)(2), Government Code, is amended to read as follows:

(2) "Retired judicial officer" means:

(A) a special judge appointed under Section 26.023 or 26.024; [~~or~~]

(B) a senior judge designated under Section 75.001 or a judicial officer as designated or defined by Section 75.001, 831.001, or 836.001; or

(C) a retired federal judge who is a resident of this state.

SECTION 5. Section 411.204(c), Government Code, is amended to read as follows:

(c) The sign required under Subsection [Subsections] (a) [and (b)] must give notice in both English and Spanish that it is unlawful for a person licensed under this subchapter to carry a handgun on the premises. The sign must appear in contrasting colors with block letters at least one inch in height and must include on its face the number "51" printed in solid red at least five inches in height. The sign shall be displayed in a conspicuous manner clearly visible to the public.

No equivalent provision.

on the premises unless the weapon is a concealed handgun of the same category the person is licensed to carry under Subchapter H, Chapter 411, Government Code.

SECTION 9. Section 11.61(e), Alcoholic Beverage Code, is amended to read as follows:

(e) Except as provided by Subsection (f) or (i), the commission or administrator shall cancel an original or renewal permit if it is found, after notice and hearing, that the permittee knowingly allowed a person to possess a firearm in a building on the licensed premises. This subsection does not apply to a person:

(1) who holds a security officer commission issued under Chapter 1702, Occupations Code, if:

(A) the person is engaged in the performance of the person's duties as a security officer;

(B) the person is wearing a distinctive uniform; and

(C) the weapon is in plain view;

(2) who is a peace officer;

(3) who is a permittee or an employee of a permittee if the person is supervising the operation of the premises; or

(4) who possesses a concealed handgun of the same category the person is licensed to carry under Subchapter H, Chapter 411, Government Code~~[, unless the person is on the premises of a business described by Section 46.035(b)(1), Penal Code].~~

No equivalent provision.

SECTION 10. Section 61.11(a), Alcoholic Beverage Code, is amended to read as follows:

(a) Each holder of a license ~~[who is not otherwise required to display a sign under Section 411.204, Government Code,]~~ shall display in a prominent place on the license holder's premises a sign giving notice that it is unlawful for a person to carry a weapon on the premises unless the weapon is a concealed handgun of the same category the person is licensed to carry under Subchapter H, Chapter 411, Government Code.

No equivalent provision.

SECTION 11. Section 61.71(f), Alcoholic Beverage Code, is amended to read as follows:

(f) Except as provided by Subsection (g) or (j), the commission or administrator shall

No equivalent provision.

cancel an original or renewal dealer's on-premises or off-premises license if it is found, after notice and hearing, that the licensee knowingly allowed a person to possess a firearm in a building on the licensed premises. This subsection does not apply to a person:

(1) who holds a security officer commission issued under Chapter 1702, Occupations Code, if:

(A) the person is engaged in the performance of the person's duties as a security officer;

(B) the person is wearing a distinctive uniform; and

(C) the weapon is in plain view;

(2) who is a peace officer;

(3) who is a licensee or an employee of a licensee if the person is supervising the operation of the premises; or

(4) who possesses a concealed handgun of the same category the person is licensed to carry under Subchapter H, Chapter 411, Government Code~~[-unless the person is on the premises of a business described by Section 46.035(b)(1), Penal Code].~~

SECTION 12. The following provisions are repealed:

(1) Section 104.06, Alcoholic Beverage Code;

(2) Sections 411.203 and 411.204, Government Code; and

(3) Section 46.03(f), Penal Code.

SECTION 13. The change in law made by this Act applies 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 September 1, 2015.

SECTION 6. Section 411.204(b), Government Code, is repealed.

SECTION 7. Same as introduced version.

SECTION 8. This Act takes effect January 1, 2016.