

THE 16 TEXAS GUN LAW UPDATES FOR 2019 YOU NEED TO KNOW

TEXAS LEGISLATURE 86TH REGULAR SESSION

Presented to you by:



LEGAL DEFENSE
FOR
SELF DEFENSE

HB 1

The Budget Bill

- Appropriates money to DPS to run ad campaigns on safe storage of firearms; \$500,000/year for 2020 & 2021.
- Does not constitute a change in the gun storage law.

General Appropriations Act Pg. V-57 Item 48. 86th Legislature

HB 121

Verbal Notice Defense

- Creates new defense to prosecution under 30.06 and 30.07 if license holder promptly departs after verbal notice.

Code sections affected: Tex. Penal Code §§ 30.06, 30.07

HB 302

Expansion of Tenant Rights

- Landlords cannot prohibit a tenant or guest of a tenant from lawfully possessing a firearm in rented space (only affects future lease agreements).
- Also applies to parking structure or lot.
- Also provides defense to prosecution, even for old leases.

Code sections affected: Tex. Penal Code §§ 30.05, 30.06, 30.07
Tex. Property Code §§ 82.002, 82.121, 92.026, 94.257

SB 317

Feral Hogs

- Allows the taking of any feral hog on a landowner's property or with permission of a landowner without a hunting license.
- Allows for pretty much unrestrained extermination of wild hogs.

Still must follow all other firearm and discharge laws.

Code sections affected: Tex. Parks and Wildlife Code §§ 42.002(c), 42.005(f)

HB 446

Clubs & Knuckles

- Removes knuckles from prohibited weapons list.
- Removes the restrictions on carrying a club or knuckles generally in public.
- Clubs still prohibited in locations listed 46.03.

Code sections affected: Tex. Penal Code §§ 46.02, 46.05, 46.15

SB 535

Places of Worship

- Removes places of religious worship from list of places under Penal Code 46.035.
- Notice pursuant to 30.06 and 30.07 is still effective.

Code sections affected: Tex. Penal Code § 46.035(b), (i), (h-1)

SB 741

HOAs

- Prohibits property owners' associations from placing or enforcing deed restrictions on the possession, transportation, or storage of a firearm or ammunition.

Code section enacted: Tex. Property Code § 202.020 (new)

SB 772

Civil Liability

- Evidence of a property owner's failure to forbid handguns is inadmissible in certain civil lawsuits.
- State law did not previously provide adequate civil liability protection to a business that did not post 30.06/30.07 signs.

Code section enacted: Civil Practice and Remedies Code Chapter 95A.001 (new)

HB 1078

No License Fee

- Certain applicants who hold a cardiopulmonary resuscitation (CPR) certification have fees waived when applying for an LTC or driver's license.
- CPR certification must not be a condition of employment or an occupational license.

Codes effected: Government Code § 411.199
New code section enacted: § 411.1954 & § 521.1812

HB 1143

School Parking Lots

- Beefs up the school parking lot bill passed in 2017. Schools may not impose extra rules on how CONCEALED firearms or ammunition are stored by an LTC holder in locked, private motor vehicles parked in school parking areas.

Code sections affected: Education Code § 37.0815(a)

HB 1177

Disasters

- Allows for the unlicensed carrying of a handgun while evacuating by individuals not otherwise prohibited from possessing firearms following a natural disaster.
- Applies during order of mandatory evacuation or reentering area after evacuation so long as not more than 168 hours have elapsed.

Code sections affected: Tex. Penal Code § 46.15

HB 1552

Qualified Retired LEO (Law Enforcement Officer)

- Reduces qualifications for retired LEO status.
- Qualified retired law enforcement officer status occurs after 10 years of cumulative service, down from 15 years.

Code sections affected: Occupations Code § 1701.357

HB 1791

Closed Exclusion Loophole

- Closes the “wrongful exclusion” by verbal notice loophole under 411.209.
- A state agency or political subdivision cannot prohibit an LTC holder from entering or remaining on a premises owned or leased by a government entity (except in statutory locations).

Code sections affected: Government Code § 411.209

HB 2137

LEO LTC Exemption

- Exempts qualifying honorably retired peace officers from having to meet classroom and proficiency portions of LTC requirement.
- Waives fees for qualified retired LEOs.

Code sections affected: Government Code § 411.199

HB 2363

Foster Homes

- Health and Human Services Commission may not prohibit possession of lawfully permitted firearms and ammunition in agency foster homes.
- The new law enhances this protection by providing that firearms and ammunition do not have to be stored separately if they are locked and secured.

Code sections affected: Human Resources Code § 42.042(e-1)

HB 3231

Firearm Preemption

- Strengthens the state's preemption statute.
- Enhances the state's firearm and knife law preemption statute by adding a provision that prevents local governments from restricting firearms and knife sales through the use of zoning and other local ordinances.
- Clarifies and strengthens the statute by adding "possession, wearing, carrying" and "storage" of firearms and knives to the preemption statute.

Code sections affected: Local Government Code §§ 229.001, 236.001, 236.002

Notable Dead Bills...

- Red Flag Law
 - HB 131 (86R)
- Background Checks for Private Sale
 - HB 195 (86R)
- Constitutional Carry
 - HB 357 (86R)
- Penalty for Not Reporting Stolen Firearm
 - HB 1207 (86R)
- Repeal Self-Defense Presumption and Civil Immunity
 - HB 930 (86R)
- Allow Cities to Regulate Open Carry
 - HB 1163 (86R)
- “Effective notice” with gunbuster sign
 - HB 1165 (86R)
- Change TX to may issue LTC state, instead of shall
 - HB 3508 (86R)



RICHARD D. HAYES, II

Richard D. Hayes, II is a former felony prosecutor with extensive criminal litigation experience. Richard has tried dozens of cases ranging from driving while intoxicated (DWI) to serious and violent felonies and homicide cases. Richard is proactive and knows that apart from the legal issues, for his clients to have a successful defense, they must understand the process and their options.

Richard has worked with distinguished law enforcement agencies including the Galveston County Criminal District Attorney's Office, U.S. Attorney's Office, and the Montgomery County District Attorney's Office. Richard has combined his law enforcement experience with his passion for individual rights and government accountability and is a zealous advocate for his clients.

Richard earned his J.D. from St. Mary's University School of Law in San Antonio, Texas in 2013 and was admitted to the Texas Bar the same year. Prior to law school, he received his B.S. in Maritime Administration with a minor in Economics from Texas A&M University. At Texas A&M, Richard was distinguished as an Undergraduate Research Scholar. Richard is also a native Texan, parliamentarian, outdoorsman, and Eagle Scout.



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