

**INTOXICATED WHILE CARRYING AND HANDGUN REVISION TO HB1927E**

SECTION \_\_\_\_\_. Section 49.01, Penal Code, is amended by adding Subsection (7) to read as follows:

(7) "Handgun" has the meaning assigned by Section 46.01.

SECTION \_\_\_\_\_. Section 49.02, Penal Code, is amended by amending Subsection (c) and adding Subsection (f) to read as follows:

(c) Except as provided by Subsections (e) and (f), an offense under this section is a Class C misdemeanor.

(f) An offense under this section is a Class A misdemeanor if the person, at the time of the commission of the offense, carried a handgun, other than a handgun carried in a trunk or compartment which is not readily accessible.

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**Law as amended** on following pages (used engrossed ver. HB1927E)

**Talking Points**

- Carrying a handgun while intoxicated applies to everyone, not just LTC holders.
- Same penalty as it was before, a Class A misdemeanor.

PENAL CODE

TITLE 10. OFFENSES AGAINST PUBLIC HEALTH, SAFETY, AND MORALS

CHAPTER 49. INTOXICATION AND ALCOHOLIC BEVERAGE OFFENSES

Sec. 49.01. DEFINITIONS. In this chapter:

(1) "Alcohol concentration" means the number of grams of alcohol per:

- (A) 210 liters of breath;
- (B) 100 milliliters of blood; or
- (C) 67 milliliters of urine.

(2) "Intoxicated" means:

(A) not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body; or

(B) having an alcohol concentration of 0.08 or more.

(3) "Motor vehicle" has the meaning assigned by Section [32.34\(a\)](#).

(4) "Watercraft" means a vessel, one or more water skis, an aquaplane, or another device used for transporting or carrying a person on water, other than a device propelled only by the current of water.

(5) "Amusement ride" has the meaning assigned by Section [2151.002](#), Occupations Code.

(6) "Mobile amusement ride" has the meaning assigned by Section [2151.002](#), Occupations Code.

(7) "Handgun" has the meaning assigned by Section [46.01](#).

Added by Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994. Amended by Acts 1999, 76th Leg., ch. 234, Sec. 1, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1364, Sec. 8, eff. Jan. 1, 2000; Acts 2001, 77th Leg., ch. 1420, Sec. 14.707, eff.

Sept. 1, 2001. Acts 2021, 87th Leg., R.S., \_\_\_\_\_ (H.B. 1927),  
Sec. \_\_, eff. September 1, 2021.

Sec. 49.02. PUBLIC INTOXICATION. (a) A person commits an offense if the person appears in a public place while intoxicated to the degree that the person may endanger the person or another.

(a-1) For the purposes of this section, a premises licensed or permitted under the Alcoholic Beverage Code is a public place.

(b) It is a defense to prosecution under this section that the alcohol or other substance was administered for therapeutic purposes and as a part of the person's professional medical treatment by a licensed physician.

(c) Except as provided by Subsections (e) and (f), an offense under this section is a Class C misdemeanor.

(d) An offense under this section is not a lesser included offense under Section [49.04](#).

(e) An offense under this section committed by a person younger than 21 years of age is punishable in the same manner as if the minor committed an offense to which Section [106.071](#), Alcoholic Beverage Code, applies.

(f) An offense under this section is a Class A misdemeanor if the person, at the time of the commission of the offense, carried a handgun, other than a handgun carried in a trunk or compartment which is not readily accessible.

Added by Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994. Amended by Acts 1997, 75th Leg., ch. 1013, Sec. 12, eff. Sept. 1, 1997.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 68 (S.B. [904](#)), Sec. 25, eff. September 1, 2007.

Acts 2021, 87th Leg., R.S., \_\_\_\_\_ (H.B. 1927), Sec. \_\_, eff. September 1, 2021.