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H.B. No. 1856

A BILL TO BE ENTITLED

AN ACT

relating to carrying and storing a firearm or firearm ammunition by
a hotel guest.

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

SECTION 1. The heading to Subchapter C, Chapter 2155,
Occupations Code, is amended to read as follows:

SUBCHAPTER C. FIREARMS POLICY [~~NOTICE~~]

SECTION 2. Section 2155.101, Occupations Code, is amended
to read as follows:

Sec. 2155.101. DEFINITION. In this subchapter, "hotel"
means a hotel, motel, inn, or similar business entity that offers
more than 10 rooms to the public for temporary lodging for a fee
~~[has the meaning assigned by Section 156.001, Tax Code].~~

SECTION 3. Subchapter C, Chapter 2155, Occupations Code, is
amended by adding Section 2155.1025 to read as follows:

Sec. 2155.1025. FIREARMS POLICY. (a) Unless possession of
a handgun or other firearm or ammunition on hotel property is
prohibited by state or federal law, a hotel may not adopt a policy
prohibiting a hotel guest from:

(1) carrying or storing a firearm or firearm
ammunition in the guest's hotel room;

(2) carrying a firearm or firearm ammunition directly
en route to or from the hotel or the guest's hotel room;

(3) carrying a firearm or firearm ammunition directly

1 en route to or from the guest's vehicle located on the hotel
2 property, including a vehicle in a parking area provided for hotel
3 guests; or

4 (4) carrying or storing a firearm or firearm
5 ammunition in the guest's vehicle located on the hotel property,
6 including a vehicle in a parking area provided for hotel guests.

7 (b) A hotel may adopt a policy requiring a hotel guest
8 carrying a firearm or firearm ammunition in a common area on the
9 hotel property to:

10 (1) carry a handgun in a concealed manner; or

11 (2) carry a firearm or ammunition in a case or bag.

12 SECTION 4. Section 30.05, Penal Code, is amended by adding
13 Subsection (f-4) to read as follows:

14 (f-4) It is a defense to prosecution under this section
15 that:

16 (1) the conduct occurred on hotel property, and the
17 basis on which entry on that property was forbidden is that entry
18 with a firearm or firearm ammunition was forbidden;

19 (2) the actor is a guest of a hotel, as defined by
20 Section 2155.101, Occupations Code; and

21 (3) the actor:

22 (A) carries or stores a firearm or firearm
23 ammunition in the actor's hotel room;

24 (B) carries a firearm or firearm ammunition
25 directly en route to or from the hotel or the actor's hotel room;

26 (C) carries a firearm or firearm ammunition
27 directly en route to or from the actor's vehicle located on the

1 hotel property, including a vehicle in a parking area provided for
2 hotel guests; or

3 (D) carries or stores a firearm or firearm
4 ammunition in the actor's vehicle located on the hotel property,
5 including a vehicle in a parking area provided for hotel guests.

6 SECTION 5. Section 30.06, Penal Code, is amended by adding
7 Subsection (e-4) to read as follows:

8 (e-4) It is a defense to prosecution under this section that
9 the license holder is a guest of a hotel, as defined by Section
10 2155.101, Occupations Code, and the license holder:

11 (1) carries or stores a handgun in the license holder's
12 hotel room;

13 (2) carries a handgun directly en route to or from the
14 hotel or the license holder's hotel room;

15 (3) carries a handgun directly en route to or from the
16 license holder's vehicle located on the hotel property, including a
17 vehicle in a parking area provided for hotel guests; or

18 (4) carries or stores a handgun in the license holder's
19 vehicle located on the hotel property, including a vehicle in a
20 parking area provided for hotel guests.

21 SECTION 6. Section 30.07, Penal Code, is amended by adding
22 Subsection (e-4) to read as follows:

23 (e-4) It is a defense to prosecution under this section that
24 the license holder is a guest of a hotel, as defined by Section
25 2155.101, Occupations Code, and the license holder:

26 (1) carries or stores a handgun in the license holder's
27 hotel room;

1 (2) carries a handgun directly en route to or from the
2 hotel or the license holder's hotel room;

3 (3) carries a handgun directly en route to or from the
4 license holder's vehicle located on the hotel property, including a
5 vehicle in a parking area provided for hotel guests; or

6 (4) carries or stores a handgun in the license holder's
7 vehicle located on the hotel property, including a vehicle in a
8 parking area provided for hotel guests.

9 SECTION 7. Sections 30.05, 30.06, and 30.07, Penal Code, as
10 amended by this Act, apply only to an offense committed on or after
11 the effective date of this Act. An offense committed before the
12 effective date of this Act is governed by the law in effect on the
13 date the offense was committed, and the former law is continued in
14 effect for that purpose. For purposes of this section, an offense
15 was committed before the effective date of this Act if any element
16 of the offense occurred before that date.

17 SECTION 8. This Act takes effect September 1, 2021.