

By: Hefner

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. DEFINITIONS [~~DEFINITION~~]. In this subchapter:

(1) "Hotel" [~~"hotel"~~] has the meaning assigned by Section 156.001, Tax Code.

(2) "License holder" has the meaning assigned by Section 46.035, Penal 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 who is a license holder from:

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

(2) carrying a firearm or firearm ammunition directly

1 en route to or from the hotel or the guest's hotel room;

2 (3) carrying a firearm or firearm ammunition directly  
3 en route to or from the guest's vehicle located on the hotel  
4 property, including a vehicle in a parking area provided for hotel  
5 guests; or

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

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

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

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

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

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

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

21 (2) the actor:

22 (A) holds a license to carry a handgun under  
23 Subchapter H, Chapter 411, Government Code; and

24 (B) is a guest of a hotel, as defined by Section  
25 156.001, Tax Code; and

26 (3) the actor:

27 (A) carries or stores a firearm or firearm

1 ammunition in the actor's hotel room;

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

4 (C) carries a firearm or firearm ammunition  
5 directly en route to or from the actor's vehicle located on the  
6 hotel property, including a vehicle in a parking area provided for  
7 hotel guests; or

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

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

13 (e-4) It is a defense to prosecution under this section that  
14 the license holder is a guest of a hotel, as defined by Section  
15 156.001, Tax Code, and the license holder:

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

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

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

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

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

1       (e-4) It is a defense to prosecution under this section that  
2 the license holder is a guest of a hotel, as defined by Section  
3 156.001, Tax Code, and the license holder:

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

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

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

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

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

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