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H.B. No. 1911

A BILL TO BE ENTITLED

1 AN ACT
2 relating to provisions governing the carrying of a handgun by
3 certain unlicensed persons and to other provisions related to the
4 carrying, possessing, transporting, or storing of a firearm;
5 providing criminal penalties.

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

7 SECTION 1. Section 46.02(a-1), Penal Code, is amended to
8 read as follows:

9 (a-1) A person commits an offense if the person
10 intentionally, knowingly, or recklessly carries on or about his or
11 her person a handgun in a motor vehicle or watercraft that is owned
12 by the person or under the person's control at any time in which:

13 (1) the handgun is in plain view[~~, unless the person is~~
14 ~~licensed to carry a handgun under Subchapter H, Chapter 411,~~
15 ~~Government Code, and the handgun is carried in a shoulder or belt~~
16 ~~holster]; or~~

17 (2) the person is:

18 (A) engaged in criminal activity, other than a
19 Class C misdemeanor that is a violation of a law or ordinance
20 regulating traffic or boating;

21 (B) prohibited by law from possessing a firearm;
22 or

23 (C) a member of a criminal street gang, as
24 defined by Section 71.01.

1 SECTION 2. Sections 46.03(e-1), (e-2), and (f), Penal Code,
2 are amended to read as follows:

3 (e-1) It is a defense to prosecution under Subsection (a)(5)
4 that the actor:

5 (1) possessed, at the screening checkpoint for the
6 secured area, a ~~[concealed]~~ handgun;

7 (2) ~~[that the actor]~~ was licensed to carry a handgun
8 under Subchapter H, Chapter 411, Government Code, or, if
9 unlicensed, was not prohibited by state or federal law from
10 carrying a handgun; and

11 (3) ~~[(2)]~~ exited the screening checkpoint for the
12 secured area immediately on ~~[upon]~~ completion of the required
13 screening processes and notification that the actor possessed the
14 handgun.

15 (e-2) A peace officer investigating conduct that may
16 constitute an offense under Subsection (a)(5) and that consists
17 only of an actor's possession of a ~~[concealed]~~ handgun that the
18 actor is licensed to carry under Subchapter H, Chapter 411,
19 Government Code, or, if unlicensed, is not prohibited by state or
20 federal law from carrying, may not arrest the actor for the offense
21 unless:

22 (1) the officer advises the actor of the defense
23 available under Subsection (e-1) and gives the actor an opportunity
24 to exit the screening checkpoint for the secured area; and

25 (2) the actor does not immediately exit the checkpoint
26 on ~~[upon]~~ completion of the required screening processes.

27 (f) Except as provided by Subsection (e-1), it is not a

1 defense to prosecution under this section that the actor possessed
2 a handgun and was:

3 (1) licensed to carry a handgun under Subchapter H,
4 Chapter 411, Government Code; or

5 (2) if unlicensed, not prohibited by state or federal
6 law from carrying a handgun.

7 SECTION 3. The heading to Section 46.035, Penal Code, is
8 amended to read as follows:

9 Sec. 46.035. UNLAWFUL CARRYING OF HANDGUN [~~BY LICENSE~~
10 ~~HOLDER~~].

11 SECTION 4. Sections 46.035(a), (b), (c), (d), and (i),
12 Penal Code, are amended to read as follows:

13 (a) A person [~~license holder~~] commits an offense if the
14 person [~~license holder~~] carries a handgun [~~on or about the license~~
15 ~~holder's person under the authority of Subchapter H, Chapter 411,~~
16 ~~Government Code,~~] and intentionally displays the handgun in plain
17 view of another person in a public place. It is an exception to the
18 application of this subsection that the handgun was partially or
19 wholly visible but was carried in a [~~shoulder or belt~~] holster [~~by~~
20 ~~the license holder~~].

21 (b) A person [~~license holder~~] commits an offense if the
22 person [~~license holder~~] intentionally, knowingly, or recklessly
23 carries a handgun [~~under the authority of Subchapter H, Chapter~~
24 ~~411, Government Code~~], regardless of whether the handgun is
25 concealed or carried in a [~~shoulder or belt~~] holster [~~, on or about~~
26 ~~the license holder's person~~]:

27 (1) on the premises of a business that has a permit or

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

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

10 (3) on the premises of a correctional facility;

11 (4) on the premises of a hospital licensed under
12 Chapter 241, Health and Safety Code, or on the premises of a nursing
13 facility licensed under Chapter 242, Health and Safety Code, unless
14 the person [~~license holder~~] has written authorization of the
15 hospital or nursing facility administration, as appropriate;

16 (5) in an amusement park; or

17 (6) on the premises of a civil commitment facility.

18 (c) A person [~~license holder~~] commits an offense if:

19 (1) the person [~~license holder~~] intentionally,
20 knowingly, or recklessly carries a handgun [~~under the authority of~~
21 ~~Subchapter H, Chapter 411, Government Code~~], regardless of whether
22 the handgun is concealed or carried in a [~~shoulder or belt~~] holster,
23 in the room or rooms where a meeting of a governmental entity is
24 held; and

25 (2) [~~if~~] the meeting described by Subdivision (1) is
26 an open meeting subject to Chapter 551, Government Code, and the
27 entity provided notice as required by that chapter.

1 (d) A person [~~license holder~~] commits an offense if the
2 person [~~, while intoxicated, the license holder~~] carries a handgun
3 while the person is intoxicated [~~under the authority of Subchapter~~
4 ~~H, Chapter 411, Government Code~~], regardless of whether the handgun
5 is concealed or carried in a [~~shoulder or belt~~] holster.

6 (i) Subsections (b)(4), (b)(5), and (c) do not apply if the
7 actor was not given effective notice under Section 30.05, 30.06, or
8 30.07.

9 SECTION 5. Section 46.15, Penal Code, is amended by
10 amending Subsection (a) and adding Subsection (m) to read as
11 follows:

12 (a) Sections 46.02, [~~and~~] 46.03, and 46.035(b) and (c) do
13 not apply to:

14 (1) peace officers or special investigators under
15 Article 2.122, Code of Criminal Procedure, and none of those
16 sections prohibit [~~neither section prohibits~~] a peace officer or
17 special investigator from carrying a weapon in this state,
18 including in an establishment in this state serving the public,
19 regardless of whether the peace officer or special investigator is
20 engaged in the actual discharge of the officer's or investigator's
21 duties while carrying the weapon;

22 (2) parole officers, and none of those sections
23 prohibit [~~neither section prohibits~~] an officer from carrying a
24 weapon in this state if the officer is:

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

27 (B) in compliance with policies and procedures

1 adopted by the Texas Department of Criminal Justice regarding the
2 possession of a weapon by an officer while on duty;

3 (3) community supervision and corrections department
4 officers appointed or employed under Section 76.004, Government
5 Code, and none of those sections prohibit [~~neither section~~
6 ~~prohibits~~] an officer from carrying a weapon in this state if the
7 officer is:

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

10 (B) authorized to carry a weapon under Section
11 76.0051, Government Code;

12 (4) an active judicial officer as defined by Section
13 411.201, Government Code, who is licensed to carry a handgun under
14 Subchapter H, Chapter 411, Government Code;

15 (5) an honorably retired peace officer or other
16 qualified retired law enforcement officer, as defined by 18 U.S.C.
17 Section 926C, who holds a certificate of proficiency issued under
18 Section 1701.357, Occupations Code, and is carrying a photo
19 identification that is issued by a federal, state, or local law
20 enforcement agency, as applicable, and that verifies that the
21 officer is an honorably retired peace officer or other qualified
22 retired law enforcement officer;

23 (6) the attorney general or a United States attorney,
24 district attorney, criminal district attorney, county attorney, or
25 municipal attorney who is licensed to carry a handgun under
26 Subchapter H, Chapter 411, Government Code;

27 (7) an assistant United States attorney, assistant

1 attorney general, assistant district attorney, assistant criminal
2 district attorney, or assistant county attorney who is licensed to
3 carry a handgun under Subchapter H, Chapter 411, Government Code;

4 (8) a bailiff designated by an active judicial officer
5 as defined by Section 411.201, Government Code, who is:

6 (A) licensed to carry a handgun under Subchapter
7 H, Chapter 411, Government Code; and

8 (B) engaged in escorting the judicial officer;

9 (9) a juvenile probation officer who is authorized to
10 carry a firearm under Section 142.006, Human Resources Code; ~~or~~

11 (10) a person who is volunteer emergency services
12 personnel if the person is:

13 (A) licensed to carry ~~carrying~~ a handgun under
14 ~~[the authority of]~~ Subchapter H, Chapter 411, Government Code; and

15 (B) engaged in providing emergency services; or

16 (11) a judge or justice of a federal court who is
17 licensed to carry a handgun under Subchapter H, Chapter 411,
18 Government Code.

19 (m) Sections 46.02(a) and (a-1)(1) do not apply to a person
20 who:

21 (1) carries the handgun in a concealed manner or in a
22 holster;

23 (2) meets the requirements under Sections
24 411.172(a)(1)-(13), Government Code; and

25 (3) is not:

26 (A) a member of a criminal street gang, as
27 defined by Section 71.01;

1 (B) engaged in criminal activity, other than a
2 Class C misdemeanor that is a violation of a law or ordinance
3 regulating traffic or boating; or

4 (C) in a location in which carrying a handgun or
5 other firearm is prohibited under Section 46.03(a) or 46.035(b) or
6 (c) or other law.

7 SECTION 6. Chapter 507, Business & Commerce Code, is
8 amended to read as follows:

9 CHAPTER 507. LICENSE TO CARRY [~~CONCEALED~~] HANDGUN [~~LICENSES~~] AS
10 VALID FORM [~~FORMS~~] OF PERSONAL IDENTIFICATION

11 Sec. 507.001. [~~CONCEALED HANDGUN~~] LICENSE TO CARRY HANDGUN
12 AS VALID PROOF OF IDENTIFICATION. (a) A person may not deny the
13 holder of a [~~concealed~~] handgun license issued under Subchapter H,
14 Chapter 411, Government Code, access to goods, services, or
15 facilities, except as provided by Section 521.460, Transportation
16 Code, or in regard to the operation of a motor vehicle, because the
17 holder has or presents a [~~concealed~~] handgun license rather than a
18 driver's license or other acceptable form of personal
19 identification.

20 (b) This section does not affect:

21 (1) the requirement under Section 411.205, Government
22 Code, that a person subject to that section present a driver's
23 license or identification certificate or other proof of identity
24 [~~in addition to a concealed handgun license~~]; or

25 (2) the types of identification required under federal
26 law to access airport premises or pass through airport security.

27 SECTION 7. Section 125.0015(a), Civil Practice and Remedies

1 Code, is amended to read as follows:

2 (a) A person who maintains a place to which persons
3 habitually go for the following purposes and who knowingly
4 tolerates the activity and furthermore fails to make reasonable
5 attempts to abate the activity maintains a common nuisance:

6 (1) discharge of a firearm in a public place as
7 prohibited by the Penal Code;

8 (2) reckless discharge of a firearm as prohibited by
9 the Penal Code;

10 (3) engaging in organized criminal activity as a
11 member of a combination as prohibited by the Penal Code;

12 (4) delivery, possession, manufacture, or use of a
13 substance or other item in violation of Chapter 481, Health and
14 Safety Code;

15 (5) gambling, gambling promotion, or communicating
16 gambling information as prohibited by the Penal Code;

17 (6) prostitution, promotion of prostitution, or
18 aggravated promotion of prostitution as prohibited by the Penal
19 Code;

20 (7) compelling prostitution as prohibited by the Penal
21 Code;

22 (8) commercial manufacture, commercial distribution,
23 or commercial exhibition of obscene material as prohibited by the
24 Penal Code;

25 (9) aggravated assault as described by Section 22.02,
26 Penal Code;

27 (10) sexual assault as described by Section 22.011,

- 1 Penal Code;
- 2 (11) aggravated sexual assault as described by Section
- 3 [22.021](#), Penal Code;
- 4 (12) robbery as described by Section [29.02](#), Penal
- 5 Code;
- 6 (13) aggravated robbery as described by Section [29.03](#),
- 7 Penal Code;
- 8 (14) unlawfully carrying a weapon as described by
- 9 Section [46.02](#), Penal Code, or unlawfully carrying a firearm as
- 10 described by Section [46.03](#) or [46.035](#), Penal Code;
- 11 (15) murder as described by Section [19.02](#), Penal Code;
- 12 (16) capital murder as described by Section [19.03](#),
- 13 Penal Code;
- 14 (17) continuous sexual abuse of young child or
- 15 children as described by Section [21.02](#), Penal Code;
- 16 (18) massage therapy or other massage services in
- 17 violation of Chapter [455](#), Occupations Code;
- 18 (19) employing a minor at a sexually oriented business
- 19 as defined by Section [243.002](#), Local Government Code;
- 20 (20) trafficking of persons as described by Section
- 21 [20A.02](#), Penal Code;
- 22 (21) sexual conduct or performance by a child as
- 23 described by Section [43.25](#), Penal Code;
- 24 (22) employment harmful to a child as described by
- 25 Section [43.251](#), Penal Code;
- 26 (23) criminal trespass as described by Section [30.05](#),
- 27 Penal Code;

- 1 (24) disorderly conduct as described by Section 42.01,
2 Penal Code;
- 3 (25) arson as described by Section 28.02, Penal Code;
- 4 (26) criminal mischief as described by Section 28.03,
5 Penal Code, that causes a pecuniary loss of \$500 or more; or
- 6 (27) a graffiti offense in violation of Section 28.08,
7 Penal Code.

8 SECTION 8. Section 37.005(c), Education Code, is amended to
9 read as follows:

10 (c) A student who is enrolled in a grade level below grade
11 three may not be placed in out-of-school suspension unless while on
12 school property or while attending a school-sponsored or
13 school-related activity on or off of school property, the student
14 engages in:

15 (1) conduct that contains the elements of an offense
16 related to weapons under Section 46.02 or 46.05, Penal Code, or to
17 firearms under Section 46.03 or 46.035, Penal Code;

18 (2) conduct that contains the elements of a violent
19 offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code;
20 or

21 (3) selling, giving, or delivering to another person
22 or possessing, using, or being under the influence of any amount of:

23 (A) marihuana or a controlled substance, as
24 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.
25 Section 801 et seq.;

26 (B) a dangerous drug, as defined by Chapter 483,
27 Health and Safety Code; or

1 (C) an alcoholic beverage, as defined by Section
2 1.04, Alcoholic Beverage Code.

3 SECTION 9. Section 37.007(a), Education Code, is amended to
4 read as follows:

5 (a) Except as provided by Subsection (k), a student shall be
6 expelled from a school if the student, on school property or while
7 attending a school-sponsored or school-related activity on or off
8 of school property:

9 (1) engages in conduct that contains the elements of
10 ~~[the offense of unlawfully carrying weapons under Section 46.02,~~
11 ~~Penal Code, or elements of]~~ an offense relating to ~~[prohibited]~~
12 weapons under Section 46.02 or 46.05, Penal Code, or to firearms
13 under Section 46.03 or 46.035, Penal Code;

14 (2) engages in conduct that contains the elements of
15 the offense of:

16 (A) aggravated assault under Section 22.02,
17 Penal Code, sexual assault under Section 22.011, Penal Code, or
18 aggravated sexual assault under Section 22.021, Penal Code;

19 (B) arson under Section 28.02, Penal Code;

20 (C) murder under Section 19.02, Penal Code,
21 capital murder under Section 19.03, Penal Code, or criminal
22 attempt, under Section 15.01, Penal Code, to commit murder or
23 capital murder;

24 (D) indecency with a child under Section 21.11,
25 Penal Code;

26 (E) aggravated kidnapping under Section 20.04,
27 Penal Code;

1 (F) aggravated robbery under Section 29.03,
2 Penal Code;

3 (G) manslaughter under Section 19.04, Penal
4 Code;

5 (H) criminally negligent homicide under Section
6 19.05, Penal Code; or

7 (I) continuous sexual abuse of young child or
8 children under Section 21.02, Penal Code; or

9 (3) engages in conduct specified by Section
10 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

11 SECTION 10. Section 51.220(g), Education Code, is amended
12 to read as follows:

13 (g) A public junior college employee's status as a school
14 marshal becomes inactive on:

15 (1) expiration of the employee's school marshal
16 license under Section 1701.260, Occupations Code;

17 (2) suspension or revocation of the employee's license
18 to carry a ~~concealed~~ handgun issued under Subchapter H, Chapter
19 411, Government Code;

20 (3) termination of the employee's employment with the
21 public junior college; or

22 (4) notice from the governing board of the public
23 junior college that the employee's services as school marshal are
24 no longer required.

25 SECTION 11. Section 231.302(c-1), Family Code, is amended
26 to read as follows:

27 (c-1) For purposes of issuing a license to carry a

1 ~~[concealed]~~ handgun under Subchapter H, Chapter 411, Government
2 Code, the Department of Public Safety is not required to request,
3 and an applicant is not required to provide, the applicant's social
4 security number.

5 SECTION 12. The heading to Subchapter H, Chapter 411,
6 Government Code, is amended to read as follows:

7 SUBCHAPTER H. LICENSE TO CARRY ~~[A]~~ HANDGUN AND OTHER PROVISIONS
8 RELATING TO CARRYING OF FIREARMS

9 SECTION 13. Section 411.179(c), Government Code, is amended
10 to read as follows:

11 (c) In adopting the form of the license under Subsection
12 (a), the department shall establish a procedure for the license of a
13 qualified handgun instructor or of the attorney general or a judge,
14 justice, United States attorney, assistant United States attorney,
15 assistant attorney general, prosecuting attorney, or assistant
16 prosecuting attorney, as described by Section 46.15(a)(4), (6),
17 ~~[or]~~ (7), or (11), Penal Code, to indicate on the license the
18 license holder's status as a qualified handgun instructor or as the
19 attorney general or a judge, justice, United States attorney,
20 assistant United States attorney, assistant attorney general,
21 prosecuting [district] attorney, or assistant prosecuting
22 [criminal district] attorney~~[, or county attorney]~~. In
23 establishing the procedure, the department shall require
24 sufficient documentary evidence to establish the license holder's
25 status under this subsection.

26 SECTION 14. Section 411.190(c), Government Code, is amended
27 to read as follows:

1 (c) In the manner applicable to a person who applies for a
2 license to carry a handgun, the department shall conduct a
3 background check of a person who applies for certification as a
4 qualified handgun instructor or approved online course provider.
5 If the background check indicates that the applicant for
6 certification would not qualify to receive a handgun license, the
7 department may not certify the applicant as a qualified handgun
8 instructor or approved online course provider. If the background
9 check indicates that the applicant for certification would qualify
10 to receive a handgun license, the department shall provide handgun
11 instructor or online course provider training to the applicant.
12 The applicant shall pay a fee of \$100 to the department for the
13 training. The applicant must take and successfully complete the
14 training offered by the department and pay the training fee before
15 the department may certify the applicant as a qualified handgun
16 instructor or approved online course provider. The department
17 shall issue a license to carry a handgun under [~~the authority of~~]
18 this subchapter to any person who is certified as a qualified
19 handgun instructor or approved online course provider and who pays
20 to the department a fee of \$40 in addition to the training fee. The
21 department by rule may prorate or waive the training fee for an
22 employee of another governmental entity.

23 SECTION 15. Sections [411.201](#)(c), (e), and (h), Government
24 Code, are amended to read as follows:

25 (c) An active judicial officer is eligible for a license to
26 carry a handgun under [~~the authority of~~] this subchapter. A retired
27 judicial officer is eligible for a license to carry a handgun under

1 ~~[the authority of]~~ this subchapter if the officer:

2 (1) has not been convicted of a felony;

3 (2) has not, in the five years preceding the date of
4 application, been convicted of a Class A or Class B misdemeanor or
5 equivalent offense;

6 (3) is not charged with the commission of a Class A or
7 Class B misdemeanor or equivalent offense or of a felony under an
8 information or indictment;

9 (4) is not a chemically dependent person; and

10 (5) is not a person of unsound mind.

11 (e) On receipt of all the application materials required by
12 this section, the department shall:

13 (1) if the applicant is an active judicial officer,
14 issue a license to carry a handgun under ~~[the authority of]~~ this
15 subchapter; or

16 (2) if the applicant is a retired judicial officer,
17 conduct an appropriate background investigation to determine the
18 applicant's eligibility for the license and, if the applicant is
19 eligible, issue a license to carry a handgun under ~~[the authority~~
20 ~~of]~~ this subchapter.

21 (h) The department shall issue a license to carry a handgun
22 under ~~[the authority of]~~ this subchapter to a United States
23 attorney or an assistant United States attorney, or to an attorney
24 elected or employed to represent the state in the prosecution of
25 felony cases, who meets the requirements of this section for an
26 active judicial officer. The department shall waive any fee
27 required for the issuance of an original, duplicate, or renewed

1 license under this subchapter for an applicant who is a United
2 States attorney or an assistant United States attorney or who is an
3 attorney elected or employed to represent the state in the
4 prosecution of felony cases.

5 SECTION 16. Section 411.203, Government Code, is amended to
6 read as follows:

7 Sec. 411.203. RIGHTS OF EMPLOYERS. (a) This subchapter
8 does not prevent or otherwise limit the right of a public or private
9 employer to prohibit any persons, including persons who are
10 licensed under this subchapter, from carrying a handgun or other
11 firearm on the premises of the business.

12 (b) In this section, "premises" has the meaning assigned by
13 Section 46.035(f) [~~46.035(f)(3)~~], Penal Code.

14 SECTION 17. Section 411.204(c), Government Code, is amended
15 to read as follows:

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

24 SECTION 18. Section 411.205, Government Code, is amended to
25 read as follows:

26 Sec. 411.205. REQUIREMENT TO DISPLAY IDENTIFICATION AND
27 HANDGUN LICENSE. If a person [~~license holder~~] is carrying a handgun

1 ~~[on or about the license holder's person]~~ when a magistrate or a
2 peace officer demands that the person ~~[license holder]~~ display
3 identification, the person ~~[license holder]~~ shall display ~~[both]~~
4 the person's ~~[license holder's]~~ driver's license or identification
5 certificate issued by the department or other proof of identity. If
6 the person is a license holder under this subchapter and is carrying
7 the person's handgun license, the person also shall display ~~[and]~~
8 the person's ~~[license holder's]~~ handgun license.

9 SECTION 19. The heading to Section 411.206, Government
10 Code, is amended to read as follows:

11 Sec. 411.206. SEIZURE OF HANDGUN AND HANDGUN LICENSE.

12 SECTION 20. Sections 411.206(a) and (c), Government Code,
13 are amended to read as follows:

14 (a) If a peace officer arrests and takes into custody a
15 person ~~[license holder]~~ who is carrying a handgun ~~[under the~~
16 ~~authority of this subchapter]~~, the officer shall seize the person's
17 ~~[license holder's]~~ handgun. The peace officer also shall seize the
18 person's handgun ~~[and]~~ license as evidence if the person holds a
19 handgun license under this subchapter and is carrying the license
20 at the time of the arrest.

21 (c) Any judgment of conviction entered by any court for an
22 offense under Section 46.035, Penal Code, must contain the handgun
23 license number of the convicted person, if the person is a handgun
24 license holder. A certified copy of the judgment is conclusive and
25 sufficient evidence to justify revocation of a license under
26 Section 411.186(a)(4).

27 SECTION 21. Sections 411.207(a), (b), and (c), Government

1 Code, are amended to read as follows:

2 (a) A peace officer who is acting in the lawful discharge of
3 the officer's official duties may disarm a person, including a
4 license holder, who is carrying a handgun at any time the officer
5 reasonably believes it is necessary for the protection of the
6 person [~~license holder~~], officer, or another individual. The peace
7 officer shall return the handgun to the person [~~license holder~~]
8 before discharging the person [~~license holder~~] from the scene if
9 the officer determines that the person:

10 (1) [~~license holder~~] is not a threat to the officer,
11 the person [~~license holder~~], or another individual;

12 (2) [~~and if the license holder~~] has not violated any
13 provision of this subchapter or committed any other violation that
14 results in the arrest of the person; and

15 (3) is not prohibited by law from carrying a handgun
16 [~~license holder~~].

17 (b) A peace officer who is acting in the lawful discharge of
18 the officer's official duties may [~~temporarily~~] disarm a person
19 only temporarily, regardless of whether the person is a license
20 holder, when the person [~~a license holder~~] enters a nonpublic,
21 secure portion of a law enforcement facility. The [~~, if the~~] law
22 enforcement agency shall provide [~~provides~~] a gun locker where the
23 peace officer can secure the person's [~~license holder's~~] handgun.
24 The peace officer shall secure the handgun in the locker and shall
25 return the handgun to the person [~~license holder~~] immediately after
26 the person [~~license holder~~] leaves the nonpublic, secure portion of
27 the law enforcement facility.

1 (c) A law enforcement facility shall prominently display at
2 each entrance to a nonpublic, secure portion of the facility a sign
3 that gives notice in both English and Spanish that, under this
4 section, a peace officer may temporarily disarm a person,
5 regardless of whether the person is a license holder, when the
6 person [~~license holder~~] enters the nonpublic, secure portion of the
7 facility. The sign must appear in contrasting colors with block
8 letters at least one inch in height. The sign shall be displayed in
9 a clearly visible and conspicuous manner.

10 SECTION 22. Section 411.209(a), Government Code, is amended
11 to read as follows:

12 (a) Except as provided by Subsection (i), a state agency or
13 a political subdivision of the state may not take any action,
14 including an action consisting of the provision of notice by a
15 communication described by Section 30.06 or 30.07, Penal Code, that
16 states or implies that a license holder who is carrying a handgun
17 under [~~the authority of~~] this subchapter is prohibited from
18 entering or remaining on a premises or other place owned or leased
19 by the governmental entity unless license holders are prohibited
20 from carrying a handgun on the premises or other place by Section
21 46.03 or 46.035, Penal Code, or other law.

22 SECTION 23. Section 12.092(b), Health and Safety Code, is
23 amended to read as follows:

24 (b) The medical advisory board shall assist the Department
25 of Public Safety of the State of Texas in determining whether:

26 (1) an applicant for a driver's license or a license
27 holder is capable of safely operating a motor vehicle; or

1 (2) an applicant for or holder of a license to carry a
2 handgun under [~~the authority of~~] Subchapter H, Chapter 411,
3 Government Code, or an applicant for or holder of a commission as a
4 security officer under Chapter 1702, Occupations Code, is capable
5 of exercising sound judgment with respect to the proper use and
6 storage of a handgun.

7 SECTION 24. Section 42.042(e-2), Human Resources Code, is
8 amended to read as follows:

9 (e-2) The department may not prohibit the foster parent of a
10 child who resides in the foster family's home from transporting the
11 child in a vehicle where a handgun is present if the handgun is in
12 the possession and control of the foster parent and the foster
13 parent is not prohibited by state or federal law from carrying the
14 handgun [~~licensed to carry the handgun under Subchapter H, Chapter~~
15 ~~411, Government Code~~].

16 SECTION 25. Section 52.061, Labor Code, is amended to read
17 as follows:

18 Sec. 52.061. RESTRICTION ON PROHIBITING EMPLOYEE ACCESS TO
19 OR STORAGE OF FIREARM OR AMMUNITION. A public or private employer
20 may not prohibit an employee who is not otherwise prohibited by
21 state or federal law from possessing [~~holds a license to carry a~~
22 ~~handgun under Subchapter H, Chapter 411, Government Code, who~~
23 ~~otherwise lawfully possesses~~] a firearm[~~7~~] or [~~who lawfully~~
24 ~~possesses~~] ammunition from transporting or storing a firearm or
25 ammunition [~~the employee is authorized by law to possess~~] in a
26 locked, privately owned motor vehicle in a parking lot, parking
27 garage, or other parking area the employer provides for employees.

1 SECTION 26. Section 52.062(a), Labor Code, is amended to
2 read as follows:

3 (a) Section 52.061 does not:

4 (1) authorize a person who is not otherwise prohibited
5 by state or federal law from possessing [~~holds a license to carry a~~
6 ~~handgun under Subchapter H, Chapter 411, Government Code, who~~
7 ~~otherwise lawfully possesses~~] a firearm[~~7~~] or [~~who lawfully~~
8 ~~possesses~~] ammunition to possess a firearm or ammunition on any
9 property where the possession of a firearm or ammunition is
10 prohibited by state or federal law; or

11 (2) apply to:

12 (A) a vehicle owned or leased by a public or
13 private employer and used by an employee in the course and scope of
14 the employee's employment, unless the employee is required to
15 transport or store a firearm in the official discharge of the
16 employee's duties;

17 (B) a school district;

18 (C) an open-enrollment charter school, as
19 defined by Section 5.001, Education Code;

20 (D) a private school, as defined by Section
21 22.081, Education Code;

22 (E) property owned or controlled by a person,
23 other than the employer, that is subject to a valid, unexpired oil,
24 gas, or other mineral lease that contains a provision prohibiting
25 the possession of firearms on the property; or

26 (F) property owned or leased by a chemical
27 manufacturer or oil and gas refiner with an air authorization under

1 Chapter 382, Health and Safety Code, and on which the primary
2 business conducted is the manufacture, use, storage, or
3 transportation of hazardous, combustible, or explosive materials,
4 except in regard to an employee who is not otherwise prohibited by
5 state or federal law from possessing a firearm or ammunition [~~holds~~
6 ~~a license to carry a handgun under Subchapter H, Chapter 411,~~
7 ~~Government Code,~~] and [~~who~~] stores the [~~a~~] firearm or ammunition
8 [~~the employee is authorized by law to possess~~] in a locked,
9 privately owned motor vehicle in a parking lot, parking garage, or
10 other parking area the employer provides for employees that is
11 outside of a secured and restricted area:

- 12 (i) that contains the physical plant;
13 (ii) that is not open to the public; and
14 (iii) the ingress into which is constantly
15 monitored by security personnel.

16 SECTION 27. Section 191.010(a), Local Government Code, is
17 amended to read as follows:

18 (a) In this section, "photo identification" means one of the
19 following forms of photo identification:

20 (1) a driver's license, election identification
21 certificate, or personal identification card issued to the person
22 by any state or territory of the United States that has not expired
23 or that expired no earlier than 60 days before the date of
24 presentation;

25 (2) a United States military identification card that
26 contains the person's photograph that has not expired or that
27 expired no earlier than 60 days before the date of presentation;

1 (3) a United States citizenship certificate issued to
2 the person that contains the person's photograph;

3 (4) a United States Permanent Resident Card that has
4 not expired or that expired no earlier than 60 days before the date
5 of presentation;

6 (5) an identification card issued by a municipality
7 intended to serve as a general identification card for the holder
8 that has not expired or that expired no earlier than 60 days before
9 the date of presentation;

10 (6) a federally recognized tribal enrollment card or
11 other form of tribal identification that has not expired or that
12 expired no earlier than 60 days before the date of presentation;

13 (7) a United States passport or a passport issued by a
14 foreign government recognized by the United States issued to the
15 person that has not expired or that expired no earlier than 60 days
16 before the date of presentation; or

17 (8) a license to carry a [~~concealed~~] handgun issued to
18 the person by the Department of Public Safety that has not expired
19 or that expired no earlier than 60 days before the date of
20 presentation.

21 SECTION 28. Section [229.001\(b\)](#), Local Government Code, is
22 amended to read as follows:

23 (b) Subsection (a) does not affect the authority a
24 municipality has under another law to:

25 (1) require residents or public employees to be armed
26 for personal or national defense, law enforcement, or another
27 lawful purpose;

1 (2) regulate the discharge of firearms or air guns
2 within the limits of the municipality, other than at a sport
3 shooting range;

4 (3) except as provided by Subsection (b-1), adopt or
5 enforce a generally applicable zoning ordinance, land use
6 regulation, fire code, or business ordinance;

7 (4) regulate the use of firearms, air guns, or knives
8 in the case of an insurrection, riot, or natural disaster if the
9 municipality finds the regulations necessary to protect public
10 health and safety;

11 (5) regulate the storage or transportation of
12 explosives to protect public health and safety, except that 25
13 pounds or less of black powder for each private residence and 50
14 pounds or less of black powder for each retail dealer are not
15 subject to regulation;

16 (6) regulate the carrying of an air gun or [a] firearm,
17 ~~[or air gun by a person]~~ other than a ~~[person licensed to carry a]~~
18 handgun carried by a person not prohibited by state or federal law
19 from carrying the handgun [under Subchapter H, Chapter 411,
20 ~~Government Code]~~, at a:

21 (A) public park;

22 (B) public meeting of a municipality, county, or
23 other governmental body;

24 (C) political rally, parade, or official
25 political meeting; or

26 (D) nonfirearms-related school, college, or
27 professional athletic event;

1 (7) regulate the carrying of a firearm by a person
2 licensed to carry a handgun under Subchapter H, Chapter 411,
3 Government Code, in accordance with Section 411.209, Government
4 Code;

5 (8) regulate the hours of operation of a sport
6 shooting range, except that the hours of operation may not be more
7 limited than the least limited hours of operation of any other
8 business in the municipality other than a business permitted or
9 licensed to sell or serve alcoholic beverages for on-premises
10 consumption;

11 (9) regulate the carrying of an air gun by a minor on:

12 (A) public property; or

13 (B) private property without consent of the
14 property owner; or

15 (10) except as provided by Subsection (d-1), regulate
16 or prohibit an employee's carrying or possession of a firearm,
17 firearm accessory, or ammunition in the course of the employee's
18 official duties.

19 SECTION 29. Sections 62.082(d) and (e), Parks and Wildlife
20 Code, are amended to read as follows:

21 (d) Section 62.081 does not apply to:

22 (1) an employee of the Lower Colorado River Authority;

23 (2) a person authorized to hunt under Subsection (c);

24 (3) a peace officer as defined by Article 2.12, Code of
25 Criminal Procedure; or

26 (4) a person who:

27 (A) is lawfully carrying [~~possesses~~] a handgun

1 ~~[and a license issued under Subchapter H, Chapter 411, Government~~
2 ~~Code, to carry a handgun]; or~~

3 (B) under circumstances in which the person would
4 be justified in the use of deadly force under Chapter 9, Penal Code,
5 shoots a handgun ~~[the person is licensed to carry under Subchapter~~
6 ~~H, Chapter 411, Government Code].~~

7 (e) A state agency, including the department, the
8 Department of Public Safety, and the Lower Colorado River
9 Authority, may not adopt a rule that prohibits a person who is not
10 prohibited by state or federal law from carrying a handgun
11 ~~[possesses a license issued under Subchapter H, Chapter 411,~~
12 ~~Government Code,~~] from entering or crossing the land of the Lower
13 Colorado River Authority while:

14 (1) carrying ~~[possessing]~~ a handgun; or

15 (2) under circumstances in which the person would be
16 justified in the use of deadly force under Chapter 9, Penal Code,
17 shooting a handgun.

18 SECTION 30. Section 284.001(e), Parks and Wildlife Code, is
19 amended to read as follows:

20 (e) This section does not limit a person's ~~[the]~~ ability ~~[of~~
21 ~~a license holder]~~ to carry a handgun ~~[under the authority of~~
22 ~~Subchapter H, Chapter 411, Government Code].~~

23 SECTION 31. Section 287.001(e), Parks and Wildlife Code, is
24 amended to read as follows:

25 (e) This section does not limit a person's ~~[the]~~ ability ~~[of~~
26 ~~a license holder]~~ to carry a ~~[concealed]~~ handgun ~~[under the~~
27 ~~authority of Subchapter H, Chapter 411, Government Code].~~

1 SECTION 32. Section 9.31(b), Penal Code, is amended to read
2 as follows:

3 (b) The use of force against another is not justified:

4 (1) in response to verbal provocation alone;

5 (2) to resist an arrest or search that the actor knows
6 is being made by a peace officer, or by a person acting in a peace
7 officer's presence and at his direction, even though the arrest or
8 search is unlawful, unless the resistance is justified under
9 Subsection (c);

10 (3) if the actor consented to the exact force used or
11 attempted by the other;

12 (4) if the actor provoked the other's use or attempted
13 use of unlawful force, unless:

14 (A) the actor abandons the encounter, or clearly
15 communicates to the other his intent to do so reasonably believing
16 he cannot safely abandon the encounter; and

17 (B) the other nevertheless continues or attempts
18 to use unlawful force against the actor; or

19 (5) if the actor sought an explanation from or
20 discussion with the other person concerning the actor's differences
21 with the other person while the actor was:

22 (A) carrying a weapon in violation of Section
23 46.02 or a firearm in violation of Section 46.03 or 46.035; or

24 (B) possessing or transporting a weapon in
25 violation of Section 46.05.

26 SECTION 33. Section 30.05, Penal Code, is amended by
27 amending Subsections (d) and (f) and adding Subsections (d-3) and

1 (d-4) to read as follows:

2 (d) Subject to Subsections (d-3) and (d-4), an [An] offense
3 under this section is:

4 (1) a Class B misdemeanor, except as provided by
5 Subdivisions (2) and (3);

6 (2) a Class C misdemeanor, except as provided by
7 Subdivision (3), if the offense is committed:

8 (A) on agricultural land and within 100 feet of
9 the boundary of the land; or

10 (B) on residential land and within 100 feet of a
11 protected freshwater area; and

12 (3) a Class A misdemeanor if:

13 (A) the offense is committed:

14 (i) in a habitation or a shelter center;

15 (ii) on a Superfund site; or

16 (iii) on or in a critical infrastructure
17 facility;

18 (B) the offense is committed on or in property of
19 an institution of higher education and it is shown on the trial of
20 the offense that the person has previously been convicted of:

21 (i) an offense under this section relating
22 to entering or remaining on or in property of an institution of
23 higher education; or

24 (ii) an offense under Section 51.204(b)(1),
25 Education Code, relating to trespassing on the grounds of an
26 institution of higher education; or

27 (C) the person carries a deadly weapon during the

1 commission of the offense.

2 (d-3) An offense under this section is a Class C misdemeanor
3 punishable by a fine not to exceed \$200 if:

4 (1) the sole basis on which entry on the property or
5 land or in the building was forbidden is that entry with a firearm
6 was forbidden; and

7 (2) the person was carrying in a concealed manner or in
8 a holster a handgun that the person was not prohibited by state or
9 federal law from carrying at the time of the offense.

10 (d-4) An offense under this section is a Class A misdemeanor
11 if:

12 (1) the sole basis on which entry on the property or
13 land or in the building was forbidden is that entry with a firearm
14 was forbidden;

15 (2) the person was carrying in a concealed manner or in
16 a holster a handgun that the person was not prohibited by state or
17 federal law from carrying at the time of the offense; and

18 (3) it is shown on the trial of the offense that, after
19 entering the property, land, or building, the actor was personally
20 given notice by oral communication that entry with a firearm was
21 forbidden and subsequently failed to depart.

22 (f) It is a defense to prosecution under this section that:

23 (1) the sole basis on which entry on the property or
24 land or in the building was forbidden is that entry with a firearm
25 [~~handgun~~] was forbidden; and

26 (2) at the time of the offense the person was carrying:

27 (A) a license issued under Subchapter H, Chapter

1 411, Government Code, to carry a handgun; and

2 (B) a handgun:

3 (i) in a concealed manner; or

4 (ii) in a [~~shoulder or belt~~] holster.

5 SECTION 34. Section 30.07(f), Penal Code, is amended to
6 read as follows:

7 (f) It is not a defense to prosecution under this section
8 that the handgun was carried in a [~~shoulder or belt~~] holster.

9 SECTION 35. The following provisions are repealed:

10 (1) Section 11.041, Alcoholic Beverage Code;

11 (2) Section 11.61(e), Alcoholic Beverage Code;

12 (3) Section 61.11, Alcoholic Beverage Code;

13 (4) Section 61.71(f), Alcoholic Beverage Code;

14 (5) Section 411.204(d), Government Code;

15 (6) Section 46.035(h-1), Penal Code, as added by
16 Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular
17 Session, 2007; and

18 (7) Section 46.035(h-1), Penal Code, as added by
19 Chapter 1214 (H.B. 1889), Acts of the 80th Legislature, Regular
20 Session, 2007.

21 SECTION 36. The change in law made by this Act relating to
22 the carrying of a handgun applies to the carrying of a handgun on or
23 after the effective date of this Act by a person described by
24 Section 46.15(m), Penal Code, as added by this Act.

25 SECTION 37. The changes in law made by this Act apply only
26 to an offense committed on or after the effective date of this Act.
27 An offense committed before the effective date of this Act is

1 governed by the law in effect when the offense was committed, and
2 the former law is continued in effect for that purpose. For
3 purposes of this section, an offense was committed before the
4 effective date of this Act if any element of the offense occurred
5 before that date.

6 SECTION 38. This Act takes effect September 1, 2021.