

By: Fierro

H.B. No. 3806

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of handguns on the campuses of and certain other locations associated with public junior colleges.

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

SECTION 1. Section 411.2031(a)(2), Government Code, is amended to read as follows:

(2) "Institution of higher education," ~~and~~ "private or independent institution of higher education," and "public junior college" have the meanings assigned by Section 61.003, Education Code.

SECTION 2. Section 411.2031, Government Code, is amended by amending Subsection (e) and adding Subsection (f) to read as follows:

(e) A public junior college or private or independent institution of higher education in this state, after consulting with students, staff, and faculty of the institution, may establish rules, regulations, or other provisions prohibiting license holders from carrying handguns on the campus of the institution, any grounds or building on which an activity sponsored by the institution is being conducted, or a passenger transportation vehicle owned by the institution.

(f) Subsections (d-1), (d-2), (d-3), and (d-4) do not apply to a public junior college.

SECTION 3. Sections 411.208(a), (b), and (d), Government

1 Code, are amended to read as follows:

2 (a) A court may not hold the state, an agency or subdivision
3 of the state, an officer or employee of the state, an institution of
4 higher education, an officer or employee of an institution of
5 higher education, a public junior college or private or independent
6 institution of higher education that has not adopted rules under
7 Section 411.2031(e), an officer or employee of a public junior
8 college or private or independent institution of higher education
9 that has not adopted rules under Section 411.2031(e), a peace
10 officer, a qualified handgun instructor, or an approved online
11 course provider liable for damages caused by:

12 (1) an action authorized under this subchapter or a
13 failure to perform a duty imposed by this subchapter; or

14 (2) the actions of an applicant or license holder that
15 occur after the applicant has received a license or been denied a
16 license under this subchapter.

17 (b) A cause of action in damages may not be brought against
18 the state, an agency or subdivision of the state, an officer or
19 employee of the state, an institution of higher education, an
20 officer or employee of an institution of higher education, a public
21 junior college or private or independent institution of higher
22 education that has not adopted rules under Section 411.2031(e), an
23 officer or employee of a public junior college or private or
24 independent institution of higher education that has not adopted
25 rules under Section 411.2031(e), a peace officer, a qualified
26 handgun instructor, or an approved online course provider for any
27 damage caused by the actions of an applicant or license holder under

1 this subchapter.

2 (d) The immunities granted under Subsections (a), (b), and
3 (c) do not apply to:

4 (1) an act or a failure to act by the state, an agency
5 or subdivision of the state, an officer of the state, an institution
6 of higher education, an officer or employee of an institution of
7 higher education, a public junior college or private or independent
8 institution of higher education that has not adopted rules under
9 Section 411.2031(e), an officer or employee of a public junior
10 college or private or independent institution of higher education
11 that has not adopted rules under Section 411.2031(e), or a peace
12 officer if the act or failure to act was capricious or arbitrary; or

13 (2) any officer or employee of an institution of
14 higher education, public junior college, or private or independent
15 institution of higher education described by Subdivision (1) who
16 possesses a handgun on the campus of that institution and whose
17 conduct with regard to the handgun is made the basis of a claim for
18 personal injury or property damage.

19 SECTION 4. Section 46.035(a-2), Penal Code, is amended to
20 read as follows:

21 (a-2) Notwithstanding Subsection (a) or Section 46.03(a), a
22 license holder commits an offense if the license holder carries a
23 handgun on the campus of a public junior college or private or
24 independent institution of higher education in this state that has
25 established rules, regulations, or other provisions prohibiting
26 license holders from carrying handguns pursuant to Section
27 411.2031(e), Government Code, or on the grounds or building on

1 which an activity sponsored by such an institution is being
2 conducted, or in a passenger transportation vehicle of such an
3 institution, regardless of whether the handgun is concealed,
4 provided the institution gives effective notice under Section
5 30.06.

6 SECTION 5. Section 46.035(f)(1-a), Penal Code, is amended
7 to read as follows:

8 (1-a) "Institution of higher education," ~~[and]~~
9 "private or independent institution of higher education," and
10 "public junior college" have the meanings assigned by Section
11 61.003, Education Code.

12 SECTION 6. Section 411.208, Government Code, as amended by
13 this Act, applies only to a cause of action that accrues on or after
14 the effective date of this Act. A cause of action that accrues
15 before the effective date of this Act is governed by the law in
16 effect immediately before that date, and that law is continued in
17 effect for that purpose.

18 SECTION 7. The change in law made by this Act applies only
19 to an offense committed on or after the effective date of this Act.
20 An offense committed before the effective date of this Act is
21 governed by the law in effect on the date the offense was committed,
22 and the former law is continued in effect for that purpose. For
23 purposes of this section, an offense was committed before the
24 effective date of this Act if any element of the offense occurred
25 before that date.

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