

By: Schwertner

S.B. No. 2224

A BILL TO BE ENTITLED

1 AN ACT
2 relating to provisions governing the carrying of a handgun or other
3 firearm by a Texas resident who is 21 years of age or older and is
4 not otherwise prohibited by state or federal law from possessing
5 the firearm and to other provisions related to the carrying,
6 possessing, transporting, or storing of a firearm and to handgun
7 licensing; increasing criminal penalties; creating a criminal
8 offense.

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

10 SECTION 1. Sections 46.02(a) and (b), Penal Code, are
11 amended to read as follows:

12 (a) A person commits an offense if the person:

13 (1) intentionally, knowingly, or recklessly carries
14 on or about his or her person a handgun; ~~and~~

15 (2) at the time of the offense:

16 (A) is younger than 21 years of age; or

17 (B) is not a legal resident of this state; and

18 (3) is not:

19 (A) on the person's own premises or premises
20 under the person's control; or

21 (B) inside of or directly en route to a motor
22 vehicle or watercraft that is owned by the person or under the
23 person's control.

24 (b) Except as provided by Subsection ~~[(c) or]~~ (d), an

1 offense under this section is a Class A misdemeanor.

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

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

6 (1) possessed, at the screening checkpoint for the
7 secured area, a ~~[concealed]~~ handgun that the actor was not
8 otherwise prohibited by state or federal law from possessing
9 ~~[licensed to carry under Subchapter H, Chapter 411, Government~~
10 ~~Code]~~; and

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

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

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

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

25 (f) Except as provided by Subsection (e-1), it is not a
26 defense to prosecution under this section that the actor possessed
27 a handgun and was :

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

3 (2) not otherwise prohibited by state or federal law
4 from possessing a firearm.

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

7 Sec. 46.035. UNLAWFUL CARRYING OF HANDGUN [~~BY LICENSE~~
8 ~~HOLDER~~].

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

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

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

25 (1) on the premises of a business that has a permit or
26 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic
27 Beverage Code, if the business derives 51 percent or more of its

1 income from the sale or service of alcoholic beverages for
2 on-premises consumption, as determined by the Texas Alcoholic
3 Beverage Commission under Section 104.06, Alcoholic Beverage Code;

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

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

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

14 (5) in an amusement park; or

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

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

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

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

26 (d) A person [~~license holder~~] commits an offense if the
27 person [~~, while intoxicated, the license holder~~] carries a handgun

1 while the person is intoxicated [~~under the authority of Subchapter~~
2 ~~H, Chapter 411, Government Code~~], regardless of whether the handgun
3 is concealed or carried in a [~~shoulder or belt~~] holster.

4 SECTION 5. Section 46.02(a-1), Penal Code, is transferred
5 to Section 46.035, Penal Code, redesignated as Section 46.035(d-1),
6 Penal Code, and amended to read as follows:

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

11 (1) the handgun is in plain view, unless the person is
12 not otherwise prohibited by state or federal law from possessing
13 the handgun [~~licensed to carry a handgun under Subchapter H,~~
14 ~~Chapter 411, Government Code,~~] and the handgun is carried in a
15 [~~shoulder or belt~~] holster; or

16 (2) the person is:

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

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

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

24 SECTION 6. Section 46.04(e), Penal Code, is amended to read
25 as follows:

26 (e) An offense under Subsection (a) is a felony of the first
27 [~~third~~] degree. An offense under Subsection (b) or (c) is a felony

1 of the third degree [~~Class A misdemeanor~~].

2 SECTION 7. Sections 46.15(a), (b), and (d), Penal Code, are
3 amended to read as follows:

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

6 (1) peace officers or special investigators under
7 Article 2.122, Code of Criminal Procedure, and none of those
8 sections prohibit [~~neither section prohibits~~] a peace officer or
9 special investigator from carrying a weapon in this state,
10 including in an establishment in this state serving the public,
11 regardless of whether the peace officer or special investigator is
12 engaged in the actual discharge of the officer's or investigator's
13 duties while carrying the weapon;

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

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

19 (B) in compliance with policies and procedures
20 adopted by the Texas Department of Criminal Justice regarding the
21 possession of a weapon by an officer while on duty;

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

27 (A) engaged in the actual discharge of the

1 officer's duties while carrying the weapon; and

2 (B) authorized to carry a weapon under Section
3 76.0051, Government Code;

4 (4) an active judicial officer as defined by Section
5 411.201, Government Code, who is licensed to carry a handgun under
6 Subchapter H, Chapter 411, Government Code;

7 (5) an honorably retired peace officer or other
8 qualified retired law enforcement officer, as defined by 18 U.S.C.
9 Section 926C, who holds a certificate of proficiency issued under
10 Section 1701.357, Occupations Code, and is carrying a photo
11 identification that is issued by a federal, state, or local law
12 enforcement agency, as applicable, and that verifies that the
13 officer is an honorably retired peace officer or other qualified
14 retired law enforcement officer;

15 (6) the attorney general or a United States attorney,
16 district attorney, criminal district attorney, county attorney, or
17 municipal attorney who is licensed to carry a handgun under
18 Subchapter H, Chapter 411, Government Code;

19 (7) an assistant United States attorney, assistant
20 attorney general, assistant district attorney, assistant criminal
21 district attorney, or assistant county attorney who is licensed to
22 carry a handgun under Subchapter H, Chapter 411, Government Code;

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

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

27 (B) engaged in escorting the judicial officer;

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

3 (10) a person who is volunteer emergency services
4 personnel if the person is:

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

7 (B) engaged in providing emergency services; or

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

11 (b) Section 46.02 does not apply to a person who:

12 (1) is in the actual discharge of official duties as a
13 member of the armed forces or state military forces as defined by
14 Section 437.001, Government Code, or as a guard employed by a penal
15 institution;

16 (2) is traveling;

17 (3) is engaging in lawful hunting, fishing, or other
18 sporting activity on the immediate premises where the activity is
19 conducted, or is en route between the premises and the actor's
20 residence, motor vehicle, or watercraft, if the weapon is a type
21 commonly used in the activity;

22 (4) holds a security officer commission issued by the
23 Texas Private Security Board, if the person is engaged in the
24 exclusive performance of the person's duties as an officer
25 commissioned under Chapter 1702, Occupations Code, ~~[or is traveling~~
26 ~~to or from the person's place of assignment]~~ and is wearing the
27 officer's uniform and carrying the officer's weapon in plain view;

1 (5) acts as a personal protection officer and carries
2 the person's security officer commission and personal protection
3 officer authorization, if the person:

4 (A) is engaged in the performance of the person's
5 duties as a personal protection officer under Chapter 1702,
6 Occupations Code [~~, or is traveling to or from the person's place of~~
7 ~~assignment~~]; and

8 (B) is either:

9 (i) wearing the uniform of a security
10 officer, including any uniform or apparel described by Section
11 1702.323(d), Occupations Code, and carrying the officer's weapon in
12 plain view; or

13 (ii) not wearing the uniform of a security
14 officer and carrying the officer's weapon in a concealed manner;

15 (6) is carrying:

16 (A) a license issued under Subchapter H, Chapter
17 411, Government Code, to carry a handgun; and

18 (B) a handgun:

19 (i) in a concealed manner; or

20 (ii) in a [~~shoulder or belt~~] holster;

21 (7) holds an alcoholic beverage permit or license or
22 is an employee of a holder of an alcoholic beverage permit or
23 license if the person is supervising the operation of the permitted
24 or licensed premises; or

25 (8) is a student in a law enforcement class engaging in
26 an activity required as part of the class, if the weapon is a type
27 commonly used in the activity and the person is:

1 (A) on the immediate premises where the activity
2 is conducted; or

3 (B) en route between those premises and the
4 person's residence and is carrying the weapon unloaded.

5 (d) The provisions of Section 46.02 prohibiting the
6 carrying of a firearm do not apply to a public security officer
7 employed by the adjutant general under Section 437.053, Government
8 Code, in performance of official duties [~~or while traveling to or~~
9 ~~from a place of duty~~].

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

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

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

23 (b) This section does not affect:

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

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

3 SECTION 9. Section [125.0015](#)(a), Civil Practice and Remedies
4 Code, is amended to read as follows:

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

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

11 (2) reckless discharge of a firearm as prohibited by
12 the Penal Code;

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

15 (4) delivery, possession, manufacture, or use of a
16 substance or other item in violation of Chapter [481](#), Health and
17 Safety Code;

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

20 (6) prostitution, promotion of prostitution, or
21 aggravated promotion of prostitution as prohibited by the Penal
22 Code;

23 (7) compelling prostitution as prohibited by the Penal
24 Code;

25 (8) commercial manufacture, commercial distribution,
26 or commercial exhibition of obscene material as prohibited by the
27 Penal Code;

- 1 (9) aggravated assault as described by Section 22.02,
2 Penal Code;
- 3 (10) sexual assault as described by Section 22.011,
4 Penal Code;
- 5 (11) aggravated sexual assault as described by Section
6 22.021, Penal Code;
- 7 (12) robbery as described by Section 29.02, Penal
8 Code;
- 9 (13) aggravated robbery as described by Section 29.03,
10 Penal Code;
- 11 (14) unlawfully carrying a weapon as described by
12 Section 46.02, Penal Code, or unlawfully carrying a firearm as
13 described by Section 46.03 or 46.035, Penal Code;
- 14 (15) murder as described by Section 19.02, Penal Code;
- 15 (16) capital murder as described by Section 19.03,
16 Penal Code;
- 17 (17) continuous sexual abuse of young child or
18 children as described by Section 21.02, Penal Code;
- 19 (18) massage therapy or other massage services in
20 violation of Chapter 455, Occupations Code;
- 21 (19) employing a minor at a sexually oriented business
22 as defined by Section 243.002, Local Government Code;
- 23 (20) trafficking of persons as described by Section
24 20A.02, Penal Code;
- 25 (21) sexual conduct or performance by a child as
26 described by Section 43.25, Penal Code;
- 27 (22) employment harmful to a child as described by

1 Section 43.251, Penal Code;

2 (23) criminal trespass as described by Section 30.05,
3 Penal Code;

4 (24) disorderly conduct as described by Section 42.01,
5 Penal Code;

6 (25) arson as described by Section 28.02, Penal Code;

7 (26) criminal mischief as described by Section 28.03,
8 Penal Code, that causes a pecuniary loss of \$500 or more; or

9 (27) a graffiti offense in violation of Section 28.08,
10 Penal Code.

11 SECTION 10. Section 37.005(c), Education Code, is amended
12 to read as follows:

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

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

21 (2) conduct that contains the elements of a violent
22 offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code;
23 or

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

26 (A) marihuana or a controlled substance, as
27 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.

1 Section 801 et seq.;

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

4 (C) an alcoholic beverage, as defined by Section
5 1.04, Alcoholic Beverage Code.

6 SECTION 11. Section 37.007(a), Education Code, is amended
7 to read as follows:

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

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

17 (2) engages in conduct that contains the elements of
18 the offense of:

19 (A) aggravated assault under Section 22.02,
20 Penal Code, sexual assault under Section 22.011, Penal Code, or
21 aggravated sexual assault under Section 22.021, Penal Code;

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

23 (C) murder under Section 19.02, Penal Code,
24 capital murder under Section 19.03, Penal Code, or criminal
25 attempt, under Section 15.01, Penal Code, to commit murder or
26 capital murder;

27 (D) indecency with a child under Section 21.11,

1 Penal Code;

2 (E) aggravated kidnapping under Section 20.04,

3 Penal Code;

4 (F) aggravated robbery under Section 29.03,

5 Penal Code;

6 (G) manslaughter under Section 19.04, Penal
7 Code;

8 (H) criminally negligent homicide under Section
9 19.05, Penal Code; or

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

12 (3) engages in conduct specified by Section
13 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

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

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

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

20 (2) suspension or revocation of the employee's license
21 to carry a ~~concealed~~ handgun issued under Subchapter H, Chapter
22 411, Government Code;

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

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

1 SECTION 13. Section 231.302(c-1), Family Code, is amended
2 to read as follows:

3 (c-1) For purposes of issuing a license to carry a
4 ~~[concealed]~~ handgun under Subchapter H, Chapter 411, Government
5 Code, the Department of Public Safety is not required to request,
6 and an applicant is not required to provide, the applicant's social
7 security number.

8 SECTION 14. Section 411.0625(c), Government Code, is
9 amended to read as follows:

10 (c) The department shall adopt rules to establish a
11 procedure by which a resident of the state may apply for and be
12 issued a Capitol access pass. Rules adopted under this section
13 must include provisions for eligibility, application, approval,
14 issuance, and renewal that:

15 (1) require the department to conduct the same
16 background check on an applicant for a Capitol access pass that is
17 conducted on an applicant for a license to carry a handgun under
18 Subchapter H;

19 (2) enable the department to conduct the background
20 check described by Subdivision (1); and

21 (3) establish application and renewal fees in amounts
22 sufficient to cover the cost of administering this section~~[, not to~~
23 ~~exceed the amounts of similar fees required under Section 411.174~~
24 ~~for a license to carry a handgun]~~.

25 SECTION 15. The heading to Subchapter H, Chapter 411,
26 Government Code, is amended to read as follows:

27 SUBCHAPTER H. LICENSE TO CARRY ~~[A]~~ HANDGUN AND OTHER PROVISIONS

1 RELATING TO CARRYING OF FIREARMS

2 SECTION 16. Section 411.173(a), Government Code, is amended
3 to read as follows:

4 (a) The department by rule shall establish a procedure for a
5 person who meets the eligibility requirements of this subchapter
6 other than the residency requirement established by Section
7 411.172(a)(1) to obtain a license under this subchapter if the
8 person is a legal resident of another state or if the person
9 relocates to this state with the intent to establish residency in
10 this state. [~~The procedure must include payment of a fee in an~~
11 ~~amount sufficient to recover the average cost to the department of~~
12 ~~obtaining a criminal history record check and investigation on a~~
13 ~~nonresident applicant.~~] A license issued in accordance with the
14 procedure established under this subsection:

15 (1) remains in effect until the license expires under
16 Section 411.183; and

17 (2) may be renewed under Section 411.185.

18 SECTION 17. Section 411.174(a), Government Code, is amended
19 to read as follows:

20 (a) An applicant for a license to carry a handgun must
21 submit to the director's designee described by Section 411.176:

22 (1) a completed application on a form provided by the
23 department that requires only the information listed in Subsection
24 (b);

25 (2) one or more photographs of the applicant that meet
26 the requirements of the department;

27 (3) a certified copy of the applicant's birth

1 certificate or certified proof of age;

2 (4) proof of residency in this state;

3 (5) two complete sets of legible and classifiable
4 fingerprints of the applicant taken by a person appropriately
5 trained in recording fingerprints who is employed by a law
6 enforcement agency or by a private entity designated by a law
7 enforcement agency as an entity qualified to take fingerprints of
8 an applicant for a license under this subchapter;

9 (6) [~~a nonrefundable application and license fee of~~
10 ~~\$40 paid to the department;~~

11 [~~(7)~~] evidence of handgun proficiency, in the form and
12 manner required by the department;

13 (7) [~~(8)~~] an affidavit signed by the applicant stating
14 that the applicant:

15 (A) has read and understands each provision of
16 this subchapter that creates an offense under the laws of this state
17 and each provision of the laws of this state related to use of
18 deadly force; and

19 (B) fulfills all the eligibility requirements
20 listed under Section 411.172; and

21 (8) [~~(9)~~] a form executed by the applicant that
22 authorizes the director to make an inquiry into any noncriminal
23 history records that are necessary to determine the applicant's
24 eligibility for a license under Section 411.172(a).

25 SECTION 18. Section 411.177, Government Code, is amended by
26 adding Subsection (e) to read as follows:

27 (e) For the purpose of reciprocity with other states, the

1 department shall issue a license under this subchapter to each
2 applicant who meets all the eligibility requirements and submits
3 all the application materials, regardless of whether the applicant
4 may legally carry a handgun without a license in this state under
5 Chapter 46, Penal Code, or other state law.

6 SECTION 19. Section 411.179, Government Code, is amended by
7 amending Subsections (c) and (e) and adding Subsection (f) to read
8 as follows:

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

24 (e) ~~[In this subsection, "veteran" has the meaning assigned~~
25 ~~by Section 411.1951.]~~ The department shall include the designation
26 "VETERAN" on the face of any original, duplicate, modified, or
27 renewed license under this subchapter or on the reverse side of the

1 license, as determined by the department, if the license is issued
2 to a veteran who:

3 (1) requests the designation; and

4 (2) provides proof sufficient to the department of the
5 veteran's military service and honorable discharge.

6 (f) For purposes of Subsection (e), "veteran" means a person
7 who:

8 (1) has served in:

9 (A) the army, navy, air force, coast guard, or
10 marine corps of the United States;

11 (B) the Texas military forces as defined by
12 Section 437.001; or

13 (C) an auxiliary service of one of those branches
14 of the armed forces; and

15 (2) has been honorably discharged from the branch of
16 the service in which the person served.

17 SECTION 20. Section 411.181(h), Government Code, is amended
18 to read as follows:

19 (h) If a license holder is required under this section to
20 apply for a duplicate license and the license expires not later than
21 the 60th day after the date of the loss, theft, or destruction of
22 the license, the applicant may renew the license with the modified
23 information included on the new license. ~~[The applicant must pay~~
24 ~~only the nonrefundable renewal fee.]~~

25 SECTION 21. Section 411.185, Government Code, is amended by
26 amending Subsection (a) and adding Subsection (h) to read as
27 follows:

1 (a) To renew a license, a license holder must, on or before
2 the date the license expires, submit to the department by mail or,
3 in accordance with the procedure adopted under Subsection (f), on
4 the Internet:

5 (1) a renewal application on a form provided by the
6 department;

7 ~~[(2) payment of a nonrefundable renewal fee of \$40,]~~

8 and

9 (2) [(3)] the informational form described by
10 Subsection (c) signed or electronically acknowledged by the
11 applicant.

12 (h) For the purpose of reciprocity with other states, the
13 department shall renew the license of each license holder who meets
14 all the eligibility requirements to continue to hold a license and
15 who submits all the renewal materials described by Subsection (a),
16 regardless of whether the license holder may legally carry a
17 handgun without a license in this state under Chapter 46, Penal
18 Code, or other state law.

19 SECTION 22. Sections 411.186(a) and (c), Government Code,
20 are amended to read as follows:

21 (a) The department shall revoke a license under this section
22 if the license holder:

23 (1) was not entitled to the license at the time it was
24 issued;

25 (2) made a material misrepresentation or failed to
26 disclose a material fact in an application submitted under this
27 subchapter;

1 (3) subsequently becomes ineligible for a license
2 under Section 411.172, unless the sole basis for the ineligibility
3 is that the license holder is charged with the commission of a Class
4 A or Class B misdemeanor or equivalent offense, or of an offense
5 under Section 42.01, Penal Code, or equivalent offense, or of a
6 felony under an information or indictment;

7 (4) is convicted of an offense under Section 46.035,
8 Penal Code; or

9 (5) is determined by the department to have engaged in
10 conduct constituting a reason to suspend a license listed in
11 Section 411.187(a) after the person's license has been previously
12 suspended twice for the same reason[~~, or~~

13 ~~[(6) submits an application fee that is dishonored or~~
14 ~~reversed if the applicant fails to submit a cashier's check or money~~
15 ~~order made payable to the "Department of Public Safety of the State~~
16 ~~of Texas" in the amount of the dishonored or reversed fee, plus \$25,~~
17 ~~within 30 days of being notified by the department that the fee was~~
18 ~~dishonored or reversed].~~

19 (c) A license holder whose license is revoked for a reason
20 listed in Subsection (a) [~~Subsections (a)(1)-(5)~~] may reapply as a
21 new applicant for the issuance of a license under this subchapter
22 after the second anniversary of the date of the revocation if the
23 cause for revocation does not exist on the date of the second
24 anniversary. If the cause for revocation exists on the date of the
25 second anniversary after the date of revocation, the license holder
26 may not apply for a new license until the cause for revocation no
27 longer exists and has not existed for a period of two years.

1 SECTION 23. Section 411.190(c), Government Code, is amended
2 to read as follows:

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

25 SECTION 24. Section 411.200, Government Code, is amended to
26 read as follows:

27 Sec. 411.200. APPLICATION TO LICENSED SECURITY OFFICERS.

1 This subchapter does not exempt a license holder who is also
2 employed as a security officer and licensed under Chapter 1702,
3 Occupations Code, from the duty to comply with Chapter 1702,
4 Occupations Code, or from the duty to refrain from committing a
5 firearms offense under Chapter 46 [Section 46.02], Penal Code.

6 SECTION 25. Sections 411.201(c), (d), (e), and (h),
7 Government Code, are amended to read as follows:

8 (c) An active judicial officer is eligible for a license to
9 carry a handgun under [~~the authority of~~] this subchapter. A retired
10 judicial officer is eligible for a license to carry a handgun under
11 [~~the authority of~~] this subchapter if the officer:

- 12 (1) has not been convicted of a felony;
- 13 (2) has not, in the five years preceding the date of
14 application, been convicted of a Class A or Class B misdemeanor or
15 equivalent offense;
- 16 (3) is not charged with the commission of a Class A or
17 Class B misdemeanor or equivalent offense or of a felony under an
18 information or indictment;
- 19 (4) is not a chemically dependent person; and
- 20 (5) is not a person of unsound mind.

21 (d) An applicant for a license who is an active or retired
22 judicial officer must submit to the department:

- 23 (1) a completed application, including all required
24 affidavits, on a form prescribed by the department;
- 25 (2) one or more photographs of the applicant that meet
26 the requirements of the department;
- 27 (3) two complete sets of legible and classifiable

1 fingerprints of the applicant, including one set taken by a person
2 employed by a law enforcement agency who is appropriately trained
3 in recording fingerprints;

4 (4) evidence of handgun proficiency, in the form and
5 manner required by the department for an applicant under this
6 section;

7 [~~(5) a nonrefundable application and license fee of~~
8 ~~\$25.~~] and

9 (5) [~~(6)~~] if the applicant is a retired judicial
10 officer, a form executed by the applicant that authorizes the
11 department to make an inquiry into any noncriminal history records
12 that are necessary to determine the applicant's eligibility for a
13 license under this subchapter.

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

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

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

24 (h) The department shall issue a license to carry a handgun
25 under [~~the authority of~~] this subchapter to a United States
26 attorney or an assistant United States attorney, or to an attorney
27 elected or employed to represent the state in the prosecution of

1 felony cases, who meets the requirements of this section for an
2 active judicial officer. [~~The department shall waive any fee
3 required for the issuance of an original, duplicate, or renewed
4 license under this subchapter for an applicant who is a United
5 States attorney or an assistant United States attorney or who is an
6 attorney elected or employed to represent the state in the
7 prosecution of felony cases.~~]

8 SECTION 26. Section 411.203, Government Code, is amended to
9 read as follows:

10 Sec. 411.203. RIGHTS OF EMPLOYERS. (a) This subchapter
11 does not prevent or otherwise limit the right of a public or private
12 employer to prohibit persons who are licensed under this subchapter
13 or not otherwise prohibited by state or federal law from possessing
14 a firearm from carrying a handgun or other firearm on the premises
15 of the business.

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

18 SECTION 27. Section 411.204(c), Government Code, is amended
19 to read as follows:

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

1 SECTION 28. Section [411.205](#), Government Code, is amended to
2 read as follows:

3 Sec. 411.205. REQUIREMENT TO DISPLAY IDENTIFICATION AND
4 HANDGUN LICENSE. If a person [~~license holder~~] is carrying a handgun
5 [~~on or about the license holder's person~~] when a magistrate or a
6 peace officer demands that the person [~~license holder~~] display
7 identification, the person [~~license holder~~] shall display [~~both~~]
8 the person's [~~license holder's~~] driver's license or identification
9 certificate issued by the department or other proof of identity. If
10 the person is a license holder under this subchapter and is carrying
11 the person's handgun license, the person also shall display [~~and~~]
12 the person's [~~license holder's~~] handgun license.

13 SECTION 29. The heading to Section [411.206](#), Government
14 Code, is amended to read as follows:

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

16 SECTION 30. Sections [411.206](#)(a) and (c), Government Code,
17 are amended to read as follows:

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

25 (c) Any judgment of conviction entered by any court for an
26 offense under Section [46.035](#), Penal Code, must contain the handgun
27 license number of the convicted person, if the person is a handgun

1 license holder. A certified copy of the judgment is conclusive and
2 sufficient evidence to justify revocation of a license under
3 Section 411.186(a)(4).

4 SECTION 31. Sections 411.207(a), (b), and (c), Government
5 Code, are amended to read as follows:

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

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

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

19 (3) is not prohibited from possessing a firearm
20 [~~license holder~~].

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

1 The peace officer shall secure the handgun in the locker and shall
2 return the handgun to the person [~~license holder~~] immediately after
3 the person [~~license holder~~] leaves the nonpublic, secure portion of
4 the law enforcement facility.

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

14 SECTION 32. Section 12.092(b), Health and Safety Code, is
15 amended to read as follows:

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

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

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

26 SECTION 33. The heading to Section 552.002, Health and
27 Safety Code, is amended to read as follows:

1 Sec. 552.002. CARRYING OF HANDGUN [~~BY LICENSE HOLDER~~] IN
2 STATE HOSPITAL.

3 SECTION 34. Sections 552.002(a), (b), and (c), Health and
4 Safety Code, are amended to read as follows:

5 (a) In this section:

6 (1) [~~"License holder" has the meaning assigned by~~
7 ~~Section 46.035(f), Penal Code.~~

8 [~~(2)~~] "State hospital" means the following
9 facilities:

- 10 (A) the Austin State Hospital;
- 11 (B) the Big Spring State Hospital;
- 12 (C) the El Paso Psychiatric Center;
- 13 (D) the Kerrville State Hospital;
- 14 (E) the North Texas State Hospital;
- 15 (F) the Rio Grande State Center;
- 16 (G) the Rusk State Hospital;
- 17 (H) the San Antonio State Hospital;
- 18 (I) the Terrell State Hospital; and
- 19 (J) the Waco Center for Youth.

20 (2) [~~(3)~~] "Written notice" means a sign that is posted
21 on property and that:

- 22 (A) includes in both English and Spanish written
23 language identical to the following: "Pursuant to Section 552.002,
24 Health and Safety Code (carrying of handgun [~~by license holder~~] in
25 state hospital), a person [~~licensed under Subchapter H, Chapter~~
26 ~~411, Government Code (handgun licensing law),~~] may not enter this
27 property with a handgun";

1 (B) appears in contrasting colors with block
2 letters at least one inch in height; and

3 (C) is displayed in a conspicuous manner clearly
4 visible to the public at each entrance to the property.

5 (b) A state hospital may prohibit a person [~~license holder~~]
6 from carrying a handgun [~~under the authority of Subchapter H,~~
7 ~~Chapter 411, Government Code,~~] on the property of the hospital by
8 providing written notice.

9 (c) A person [~~license holder~~] who carries a handgun [~~under~~
10 ~~the authority of Subchapter H, Chapter 411, Government Code,~~] on
11 the property of a state hospital at which written notice is provided
12 is liable for a civil penalty in the amount of:

13 (1) \$100 for the first violation; or

14 (2) \$500 for the second or subsequent violation.

15 SECTION 35. Section 52.061, Labor Code, is amended to read
16 as follows:

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

27 SECTION 36. Section 52.062(a), Labor Code, is amended to

1 read as follows:

2 (a) Section 52.061 does not:

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

10 (2) apply to:

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

16 (B) a school district;

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

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

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

25 (F) property owned or leased by a chemical
26 manufacturer or oil and gas refiner with an air authorization under
27 Chapter 382, Health and Safety Code, and on which the primary

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

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

15 SECTION 37. Section 118.011(b), Local Government Code, is
16 amended to read as follows:

17 (b) The county clerk may set and collect the following fee
18 from any person:

- 19 (1) Returned Check (Sec. 118.0215) not less
20 than \$15 or more than \$30
- 21 (2) Records Management and Preservation Fee (Sec.
22 118.0216) not more than \$10
- 23 (3) [~~Mental Health Background Check for License to~~
24 ~~Carry a Handgun (Sec. 118.0217)~~ ~~not more than \$2~~
- 25 [~~4~~] Marriage License for Out-of-State Applicants
26 (Sec. 118.018) \$100

27 SECTION 38. Section 191.010(a), Local Government Code, is

1 amended to read as follows:

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

4 (1) a driver's license, election identification
5 certificate, or personal identification card issued to the person
6 by any state or territory of the United States that has not expired
7 or that expired no earlier than 60 days before the date of
8 presentation;

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

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

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

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

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

24 (7) a United States passport or a passport issued by a
25 foreign government recognized by the United States issued to the
26 person that has not expired or that expired no earlier than 60 days
27 before the date of presentation; or

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

5 SECTION 39. Section 229.001(b), Local Government Code, is
6 amended to read as follows:

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

9 (1) require residents or public employees to be armed
10 for personal or national defense, law enforcement, or another
11 lawful purpose;

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

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

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

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

27 (6) regulate the carrying of an air gun or [~~a~~] firearm,

1 ~~[or air gun by a person]~~ other than a ~~[person licensed to carry a]~~
2 handgun carried by a person not otherwise prohibited by state or
3 federal law from possessing a firearm ~~[under Subchapter H, Chapter~~
4 ~~411, Government Code]~~, at a:

5 (A) public park;

6 (B) public meeting of a municipality, county, or
7 other governmental body;

8 (C) political rally, parade, or official
9 political meeting; or

10 (D) nonfirearms-related school, college, or
11 professional athletic event;

12 (7) regulate the carrying of a firearm by a person
13 licensed to carry a handgun under Subchapter H, Chapter 411,
14 Government Code, in accordance with Section 411.209, Government
15 Code;

16 (8) regulate the hours of operation of a sport
17 shooting range, except that the hours of operation may not be more
18 limited than the least limited hours of operation of any other
19 business in the municipality other than a business permitted or
20 licensed to sell or serve alcoholic beverages for on-premises
21 consumption;

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

23 (A) public property; or

24 (B) private property without consent of the
25 property owner; or

26 (10) except as provided by Subsection (d-1), regulate
27 or prohibit an employee's carrying or possession of a firearm,

1 firearm accessory, or ammunition in the course of the employee's
2 official duties.

3 SECTION 40. Section 1702.002(21), Occupations Code, is
4 amended to read as follows:

5 (21) "Security officer commission" means an
6 authorization issued by the department that entitles a security
7 officer to carry a firearm as described by this chapter.

8 SECTION 41. Section 1702.169, Occupations Code, is amended
9 to read as follows:

10 Sec. 1702.169. FIREARM RESTRICTIONS. A commissioned
11 security officer other than a person acting as a personal
12 protection officer may not carry a firearm while ~~[unless:~~

13 ~~[(1) the security officer is:~~

14 ~~[(A)]~~ engaged in the performance of duties as a
15 security officer unless:

16 (1) ~~[, or~~

17 ~~[(B) traveling to or from the place of~~
18 ~~assignment,~~

19 ~~[(2)]~~ the security officer wears a distinctive uniform
20 indicating that the individual is a security officer; and

21 (2) ~~[(3)]~~ the firearm is in plain view.

22 SECTION 42. Section 1702.206(a), Occupations Code, is
23 amended to read as follows:

24 (a) An individual acting as and performing the duties of a
25 personal protection officer may not carry a firearm unless the
26 officer:

27 (1) is ~~[either:~~

1 [~~(A)~~] engaged in the exclusive performance of the
2 officer's duties as a personal protection officer for the employer
3 under whom the officer's personal protection officer license is
4 issued; ~~or~~

5 [~~(B) traveling to or from the officer's place of~~
6 ~~assignment,~~] and

7 (2) carries the officer's security officer commission
8 and personal protection officer license on the officer's person
9 while performing the officer's duties [~~or traveling~~] as described
10 by Subdivision (1) and presents the commission and license on
11 request.

12 SECTION 43. Sections 62.082(d) and (e), Parks and Wildlife
13 Code, are amended to read as follows:

14 (d) Section 62.081 does not apply to:

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

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

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

19 (4) a person who:

20 (A) is carrying [~~possesses~~] a handgun [~~and a~~
21 ~~license issued under Subchapter H, Chapter 411, Government Code, to~~
22 ~~carry a handgun~~]; or

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

27 (e) A state agency, including the department, the

1 Department of Public Safety, and the Lower Colorado River
2 Authority, may not adopt a rule that prohibits a person who is not
3 otherwise prohibited by state or federal law from possessing a
4 firearm [~~possesses a license issued under Subchapter H, Chapter~~
5 ~~411, Government Code,~~] from entering or crossing the land of the
6 Lower Colorado River Authority while:

- 7 (1) carrying [~~possessing~~] a handgun; or
8 (2) under circumstances in which the person would be
9 justified in the use of deadly force under Chapter 9, Penal Code,
10 shooting a handgun.

11 SECTION 44. Section 284.001(e), Parks and Wildlife Code, is
12 amended to read as follows:

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

16 SECTION 45. Section 287.001(e), Parks and Wildlife Code, is
17 amended to read as follows:

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

21 SECTION 46. Section 9.31(b), Penal Code, is amended to read
22 as follows:

- 23 (b) The use of force against another is not justified:
24 (1) in response to verbal provocation alone;
25 (2) to resist an arrest or search that the actor knows
26 is being made by a peace officer, or by a person acting in a peace
27 officer's presence and at his direction, even though the arrest or

1 search is unlawful, unless the resistance is justified under
2 Subsection (c);

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

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

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

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

12 (5) if the actor sought an explanation from or
13 discussion with the other person concerning the actor's differences
14 with the other person while the actor was:

15 (A) carrying a weapon in violation of Section
16 46.02 or a firearm in violation of Section 46.03 or 46.035; or

17 (B) possessing or transporting a weapon in
18 violation of Section 46.05.

19 SECTION 47. Section 30.05(f), Penal Code, is amended to
20 read as follows:

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

22 (1) the basis on which entry on the property or land or
23 in the building was forbidden is that entry with a handgun was
24 forbidden; and

25 (2) the person was carrying:

26 (A) a license issued under Subchapter H, Chapter
27 411, Government Code, to carry a handgun; and

1 (B) a handgun:

2 (i) in a concealed manner; or

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

4 SECTION 48. Section 30.07(f), Penal Code, is amended to
5 read as follows:

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

8 SECTION 49. Chapter 37, Penal Code, is amended by adding
9 Section 37.102 to read as follows:

10 Sec. 37.102. SUBMITTING FALSE INFORMATION IN CONNECTION
11 WITH FIREARM TRANSFER. (a) A person commits an offense if the
12 person:

13 (1) is prohibited from possessing a firearm under
14 state or federal law; and

15 (2) knowingly makes a materially false statement on a
16 form that is required by state or federal law for the purchase,
17 sale, or other transfer of a firearm and submitted to a licensed
18 firearms dealer under 18 U.S.C. Section 923.

19 (b) An offense under this section is a felony of the third
20 degree.

21 (c) If conduct constituting an offense under this section
22 also constitutes an offense under another section of this code, the
23 actor may be prosecuted under either section or both sections.

24 SECTION 50. The following provisions are repealed:

25 (1) Section 11.041, Alcoholic Beverage Code;

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

27 (3) Section 61.11, Alcoholic Beverage Code;

- 1 (4) Section 61.71(f), Alcoholic Beverage Code;
- 2 (5) Sections 411.181(d) and (i), Government Code;
- 3 (6) Section 411.186(d), Government Code;
- 4 (7) Sections 411.194, 411.195, 411.1951, 411.1953,
5 and 411.1954, Government Code;
- 6 (8) Section 411.199(d), Government Code;
- 7 (9) Section 411.1991(c), Government Code;
- 8 (10) Section 411.1992(d), Government Code;
- 9 (11) Section 411.1993(e), Government Code;
- 10 (12) Section 411.1994(d), Government Code;
- 11 (13) Section 411.204(d), Government Code;
- 12 (14) Section 118.0217, Local Government Code;
- 13 (15) Section 46.02(c), Penal Code;
- 14 (16) Section 46.035(h-1), Penal Code, as added by
15 Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular
16 Session, 2007; and
- 17 (17) Section 46.035(h-1), Penal Code, as added by
18 Chapter 1214 (H.B. 1889), Acts of the 80th Legislature, Regular
19 Session, 2007.

20 SECTION 51. The changes in law made by this Act relating to
21 the fees for an original, duplicate, modified, or renewed license
22 to carry a handgun under Subchapter H, Chapter 411, Government
23 Code, as amended by this Act, apply only to an applicant for an
24 original, duplicate, modified, or renewed license to carry a
25 handgun under that subchapter who submits the application on or
26 after the effective date of this Act.

27 SECTION 52. The change in law made by this Act relating to

1 the carrying of a handgun applies to the carrying of a handgun on or
2 after the effective date of this Act by any person not otherwise
3 prohibited by state or federal law from possessing a firearm.

4 SECTION 53. The changes in law made by this Act apply only
5 to an offense committed on or after the effective date of this Act.
6 An offense committed before the effective date of this Act is
7 governed by the law in effect when the offense was committed, and
8 the former law is continued in effect for that purpose. For
9 purposes of this section, an offense was committed before the
10 effective date of this Act if any element of the offense occurred
11 before that date.

12 SECTION 54. This Act takes effect September 1, 2021.