

## **BILL ANALYSIS**

C.S.H.B. 992  
By: Rose  
Law Enforcement  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Individuals who complete rigorous training, background checks and an application process to obtain a concealed handgun license do so in order to protect themselves in a lawful and responsible manner. However, if an employer's "No Firearms" policy extends beyond the workplace to include parking lots and parking garages, an employer effectively prohibits concealed handgun license holders from protecting themselves during the workweek.

As proposed, C.S.H.B. 992 allows a concealed handgun license holder to transport and store a handgun in a locked vehicle, owned or leased by the employee, parked on the property of his or her employer, and hidden from view in certain places within the vehicle. C.S.H.B. 992 also provides immunity from liability for an employer if there is an incident involving the possession of a handgun by a licensed individual.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 992 amends Chapter 52, Labor Code by adding Subchapter G, which prohibits, except as otherwise provided in Section 52.061, a public or private employer from penalizing, discharging, or disciplining in any manner an employee that transports or stores a handgun in a locked vehicle, owned or leased by the employee, in a parking lot, parking garage, or other parking area provided by the employer for the employees, so long as the handgun is hidden from plain view in the vehicle's glove compartment, console, within a locked gun case, or other locked container within the vehicle, the employee is licensed to carry a concealed handgun under the Government Code, and the employee has filed a copy of their concealed carry license and a written statement, signed by the employee, with the employee's immediate supervisor stating that the employee is licensed to carry a concealed handgun under the Government Code; that they intend to store a concealed handgun in their locked vehicle while parked in the provided parking lot, parking garage, or other parking area; and that they may not remove the handgun from their vehicle for anything other than self defense within the immediate parking area. The employee does not have to submit a written statement that they are licensed to carry a concealed handgun under the Government Code if the employee transports or stores a handgun in a motor vehicle the employee is actively using in the course and scope of the employee's employment, which does not include travel between the employee's home and place of employment.

The bill also provides that an employee discharged in violation of Section 52, Labor Code is entitled to reinstatement to the same position they held immediately prior to being discharged. An employee who is discharged, disciplined, or penalized in violation of Section 52, Labor Code is also authorized to bring a civil action against their employer and, if the action prevails, is entitled to lost wages and any other compensation lost as a result of the discharge, discipline, or penalization; reinstatement to the position or status held immediately prior to being discharged, disciplined, or penalized, and recover reasonable attorney's fees. It is a defense to an action by an employer under Section 52, Labor Code if the employer provided an alternative location for employees to securely store their handguns while on the employer's property and the employee(s) did not store their handgun(s) in that alternate location.

This section does not prohibit an employer from discharging, disciplining, or penalizing an employee who stores a concealed handgun in their vehicle in a parking area provided by the employer and who fails to meet the requirements set forth in the bill. Further, this bill does not prohibit an employer from prohibiting an employee from carrying a firearm on the premises of the employee's business.

Subchapter G does not authorize an individual, licensed to carry a concealed handgun, to carry a concealed handgun on any property where it is prohibited by state or federal law to carry a concealed handgun.

Section 52.601 of the Labor Code does not apply to a parking area owned or leased by an employer required to submit a risk management plan under the federal Clean Air Act.

H.B. 992 also amends Section 411, Government Code by defining "premises" and adding language that a public or private employer is not liable in a civil action for any damages resulting from an occurrence involving the storage of a concealed handgun by a licensed employee in the employee's vehicle in the parking area of the employer.

The change in law made by this Act only applies to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before that date is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

#### **EFFECTIVE DATE**

September 1, 2007.

#### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 992 allows for the exempting provisions set forth in the section. It also defines an employee's vehicle as one owned or leased by the employee, and includes language stating that the employer may not discharge, discipline, or penalize an employee if the handgun is hidden from plain view in the vehicle's glove compartment or console or within a locked gun case or other locked container within the vehicle.

C.S.H.B. 992 includes language that it is not necessary for an employee to file a written signed statement with the employer if the employee transports or stores a handgun in a motor vehicle that the employee is actively using in the course and scope of the employee's employment, and defines the course and scope not to include travel by the employee between the employee's home and place of employment.

Finally, C.S.H.B. 992 states that Section 52.061 of the Labor Code does not apply to a parking area on any property owned or leased by an employer required to submit a risk management plan under the federal Clean Air Act.