

By: Turner

H.B. No. 3635

Substitute the following for H.B. No. 3635:

By: Driver

C.S.H.B. No. 3635

A BILL TO BE ENTITLED

AN ACT

1
2 relating to procedures to limit the carrying of handguns by persons
3 other than peace officers on certain premises used for law
4 enforcement.

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

6 SECTION 1. Section 411.207, Government Code, is amended to
7 read as follows:

8 Sec. 411.207. AUTHORITY OF PEACE OFFICER TO DISARM. (a) A
9 peace officer who is acting in the lawful discharge of the officer's
10 official duties may disarm a license holder at any time the officer
11 reasonably believes it is necessary for the protection of the
12 license holder, officer, or another individual. The peace officer
13 shall return the handgun to the license holder before discharging
14 the license holder from the scene if the officer determines that the
15 license holder is not a threat to the officer, license holder, or
16 another individual 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 license holder.

19 (b) A peace officer who is acting in the lawful discharge of
20 the officer's official duties may temporarily disarm a license
21 holder when a license holder enters a nonpublic, secure portion of a
22 law enforcement facility, if the law enforcement agency provides a
23 gun locker where the peace officer can secure the license holder's
24 handgun. The peace officer shall secure the handgun in the locker

1 and shall return the handgun to the license holder immediately
2 after the license holder leaves the nonpublic, secure portion of
3 the law enforcement facility.

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

12 (d) In this section:

13 (1) "Law enforcement facility" means a building or a
14 portion of a building used exclusively by a law enforcement agency
15 that employs peace officers as described by Articles 2.12(1) and
16 (3), Code of Criminal Procedure, and support personnel to conduct
17 the official business of the agency. The term does not include:

18 (A) any portion of a building not actively used
19 exclusively to conduct the official business of the agency; or

20 (B) any public or private driveway, street,
21 sidewalk, walkway, parking lot, parking garage, or other parking
22 area.

23 (2) "Nonpublic, secure portion of a law enforcement
24 facility" means that portion of a law enforcement facility to which
25 the general public is denied access without express permission and
26 to which access is granted solely to conduct the official business
27 of the law enforcement agency.

1 SECTION 2. This Act takes effect September 1, 2007.