

By: Hegar

S.B. No. 534

A BILL TO BE ENTITLED

AN ACT

relating to certain rights and liabilities of an employer regarding an employee's access to a concealed handgun.

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

SECTION 1. Chapter 52, Labor Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. RESTRICTIONS ON PENALIZING EMPLOYEE FOR ACCESS TO OR STORAGE OF CONCEALED HANDGUN

Sec. 52.061. PENALIZING EMPLOYEE FOR ACCESS TO OR STORAGE OF A CONCEALED HANDGUN. (a) A public or private employer may not discharge, discipline, or penalize in any manner an employee because the employee:

(1) applied for a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;

(2) holds a license under that subchapter; or

(3) transports or stores a handgun the employee is licensed to carry under that subchapter in the employee's locked motor vehicle in a parking lot, parking garage, or other parking area the employer provides for employees if the handgun is hidden from plain view and the employee has filed with the employee's immediate supervisor:

(A) a written statement signed by the employee stating that the employee:

(i) is licensed to carry a concealed

1 handgun under Subchapter H, Chapter 411, Government Code;

2 (ii) intends to store a concealed handgun
3 in the employee's locked motor vehicle while parked in a parking
4 lot, parking garage, or other parking area the employer provides
5 for employees; and

6 (iii) may not remove the handgun from the
7 employee's vehicle for any purpose other than self-defense in the
8 immediate parking area; and

9 (B) a copy of the employee's license to carry a
10 concealed handgun issued to the employee by the Department of
11 Public Safety under Subchapter H, Chapter 411, Government Code.

12 (b) Subsection (a)(3) does not apply to an employer of an
13 employee who transports or stores a handgun in a motor vehicle that
14 the employee is actively using in the course and scope of the
15 employee's employment. For purposes of this subsection, the course
16 and scope of the employee's employment does not include travel
17 between the employee's home and the employee's place of employment.

18 (c) An employee discharged in violation of this section is
19 entitled to reinstatement to the same position in which the
20 employee was employed immediately before the employee was
21 discharged.

22 (d) An employee who is discharged, disciplined, or
23 otherwise penalized in violation of this section may bring a civil
24 action against the employer to enforce rights protected by this
25 subchapter. An employee who prevails in such an action is entitled
26 to recover:

27 (1) lost wages and any other compensation lost as a

1 result of the employee being discharged, disciplined, or penalized;

2 (2) reinstatement to the same position or status the
3 employee held immediately before the employee was discharged,
4 disciplined, or penalized; and

5 (3) reasonable attorney's fees.

6 (e) It is a defense to an action by an employee alleging that
7 the employee was discharged, disciplined, or penalized in violation
8 of Subsection (a)(3) that:

9 (1) the employer provided the employee an alternative
10 location on the employer's property for the employee to securely
11 store the employee's handgun while on the employer's property; and

12 (2) the employee did not store the employee's handgun
13 in that alternate location.

14 (f) This section does not prohibit an employer from
15 discharging, disciplining, or penalizing an employee who stores a
16 handgun in the employee's motor vehicle in a parking area of the
17 employer without having satisfied the requirements of Subsection
18 (a)(3).

19 (g) This section does not prohibit an employer from
20 prohibiting an employee licensed to carry a concealed handgun under
21 Subchapter H, Chapter 411, Government Code, from carrying a firearm
22 on the premises of the employer's business. In this subsection,
23 "premises" has the meaning assigned by Section 46.035(f)(3), Penal
24 Code.

25 (h) This section does not authorize a person licensed under
26 Subchapter H, Chapter 411, Government Code, to carry a concealed
27 handgun on any property where the carrying of a concealed handgun is

1 prohibited by state or federal law.

2 (i) Notwithstanding Subsection (a)(3), an employer may
3 prohibit an employee described by that subsection from transporting
4 or storing a handgun in the employee's locked motor vehicle in a
5 parking area the employer provides employees if:

6 (1) the parking area is completely surrounded by a
7 fence and is not open to the public;

8 (2) ingress to and egress from the parking area are
9 constantly monitored by security personnel; and

10 (3) the employer provides an alternate parking area in
11 close proximity for the employee in which the employee may
12 transport or store a handgun in the employee's locked motor vehicle
13 in accordance with Subsection (a)(3).

14 (j) This section does not apply to a parking area on any
15 property owned or leased by an employer who is required to submit a
16 risk management plan under Section 550 of the Department of
17 Homeland Security Appropriations Act of 2007 (Pub. L. No. 109-295)
18 and contracts with the National Aeronautics and Space
19 Administration and the employer's employees work at a National
20 Aeronautics and Space Administration facility in a county with a
21 population of over 3.3 million.

22 SECTION 2. Section 411.203, Government Code, is amended to
23 read as follows:

24 Sec. 411.203. RIGHTS OF EMPLOYERS; LIMITATION ON LIABILITY.

25 (a) This subchapter does not prevent or otherwise limit the right
26 of a public or private employer to prohibit persons who are licensed
27 under this subchapter from carrying a concealed handgun on the

1 premises of the business. In this subsection, "premises" has the
2 meaning assigned by Section 46.035(f)(3), Penal Code.

3 (b) A public or private employer is not liable in a civil
4 action for damages resulting from an occurrence involving the
5 storage in a parking area of the employer of a concealed handgun in
6 the motor vehicle of an employee who is licensed under this
7 subchapter.

8 SECTION 3. The change in law made by this Act applies only
9 to a cause of action that accrues on or after the effective date of
10 this Act. A cause of action that accrues before that date is
11 governed by the law as it existed immediately before the effective
12 date of this Act, and that law is continued in effect for that
13 purpose.

14 SECTION 4. This Act takes effect September 1, 2007.