

1-1 By: Hegar S.B. No. 534
1-2 (In the Senate - Filed February 8, 2007; February 26, 2007,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 26, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; March 26, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 534 By: Hegar

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to certain rights and liabilities of an employer regarding
1-11 an employee's access to a concealed handgun.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 52, Labor Code, is amended by adding
1-14 Subchapter G to read as follows:

1-15 SUBCHAPTER G. RESTRICTIONS ON PENALIZING EMPLOYEE FOR ACCESS TO OR
1-16 STORAGE OF CONCEALED HANDGUN

1-17 Sec. 52.061. PENALIZING EMPLOYEE FOR ACCESS TO OR STORAGE
1-18 OF A CONCEALED HANDGUN. (a) A public or private employer may not
1-19 discharge, discipline, or penalize in any manner an employee
1-20 because the employee:

1-21 (1) applied for a license to carry a concealed handgun
1-22 under Subchapter H, Chapter 411, Government Code;

1-23 (2) holds a license under that subchapter; or

1-24 (3) transports or stores a handgun the employee is
1-25 licensed to carry under that subchapter in the employee's locked
1-26 motor vehicle in a parking lot, parking garage, or other parking
1-27 area the employer provides for employees if the handgun is hidden
1-28 from plain view and the employee has filed with the employee's
1-29 immediate supervisor:

1-30 (A) a written statement signed by the employee
1-31 stating that the employee:

1-32 (i) is licensed to carry a concealed
1-33 handgun under Subchapter H, Chapter 411, Government Code;

1-34 (ii) intends to store a concealed handgun
1-35 in the employee's locked motor vehicle while parked in a parking
1-36 lot, parking garage, or other parking area the employer provides
1-37 for employees; and

1-38 (iii) may not remove the handgun from the
1-39 employee's vehicle for any purpose other than self-defense in the
1-40 immediate parking area; and

1-41 (B) a copy of the employee's license to carry a
1-42 concealed handgun issued to the employee by the Department of
1-43 Public Safety under Subchapter H, Chapter 411, Government Code.

1-44 (b) Subsection (a)(3) does not apply to an employer of an
1-45 employee who transports or stores a handgun in a motor vehicle that
1-46 the employee is actively using in the course and scope of the
1-47 employee's employment. For purposes of this subsection, the course
1-48 and scope of the employee's employment does not include travel
1-49 between the employee's home and the employee's place of employment.

1-50 (c) An employee discharged in violation of this section is
1-51 entitled to reinstatement to the same position in which the
1-52 employee was employed immediately before the employee was
1-53 discharged.

1-54 (d) An employee who is discharged, disciplined, or
1-55 otherwise penalized in violation of this section may bring a civil
1-56 action against the employer to enforce rights protected by this
1-57 subchapter. An employee who prevails in such an action is entitled
1-58 to recover:

1-59 (1) lost wages and any other compensation lost as a
1-60 result of the employee being discharged, disciplined, or penalized;

1-61 (2) reinstatement to the same position or status the
1-62 employee held immediately before the employee was discharged,
1-63 disciplined, or penalized; and

(3) reasonable attorney's fees.

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

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

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

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

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

(h) This section does not authorize a person licensed under Subchapter H, Chapter 411, Government Code, to carry a concealed handgun on any property where the carrying of a concealed handgun is prohibited by state or federal law.

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

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

(a) This subchapter does not prevent or otherwise limit the right of a public or private employer to prohibit persons who are licensed under this subchapter from carrying a concealed handgun on the premises of the business. In this subsection, "premises" has the meaning assigned by Section 46.035(f)(3), Penal Code.

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

SECTION 3. The change in law made by this Act applies only 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.

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

* * * * *