

## **BILL ANALYSIS**

C.S.H.B. 1893  
By: Driver  
Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

During the 80th legislative interim, the House Committee on Law Enforcement studied the impact of current Texas laws banning the carrying of firearms by concealed handgun license holders on the premises of educational institutions.

Under current law, individuals who have passed extensive state and federal criminal records checks, completed rigorous training requirements, and been issued licenses to carry concealed handguns for personal protection by the Department of Public Safety are prohibited from possessing firearms on both public and private college and university campuses. This creates a legal and geographical barrier for concealed handgun licensees who visit or who live, work, or study on a college or university campus, denying them the right to protect themselves in these settings.

The law authorizing a person to obtain a license to carry a concealed handgun in Texas has been in effect for over a dozen years, and statistics show that concealed handgun licensees have consistently demonstrated law-abiding and responsible behavior. Furthermore, 23 states with concealed carry laws do not prohibit the possession of firearms on postsecondary school campuses and the federal Gun-Free School Zones Act, which prohibits the possession of firearms within 1,000 feet of a school, exempts concealed carry permit holders licensed by the state in which the school is located.

C.S.H.B. 1893 authorizes a concealed handgun license holder to carry a concealed handgun while on the campus of an institution of higher education or private or independent institution of higher education in Texas. The bill authorizes a private or independent institution of higher education to establish rules, regulations, or other provisions prohibiting license holders from carrying handguns on premises owned or operated by the institution and located on its campus. The bill provides for the limited liability of an institution of higher education or a private or independent institution of higher education and an officer or employee of such an institution for certain actions relating to the license to carry a concealed handgun law or the actions of an applicant for or holder of such a license.

### **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. 1893 amends the Government Code to authorize a concealed handgun license holder to carry a concealed handgun while on the campus of an institution of higher education or private or independent institution of higher education in Texas. The bill prohibits such an institution from adopting any rule, regulation, or other provision prohibiting a license holder from carrying a handgun on the institution's campus, except it authorizes a private or independent institution of higher education, after consulting with students, staff, and faculty, to establish rules, regulations, or other provisions prohibiting license holders from carrying handguns on premises owned or

operated by the institution and located on its campus. The bill authorizes such an institution to establish rules, regulations, or other provisions concerning handgun storage in a dormitory or other residential building owned or operated by the institution and located on the campus.

C.S.H.B. 1893 adds an institution of higher education or a private or independent institution of higher education and an officer or employee of such an institution to the entities and persons that a court is prohibited from holding liable for damages caused by an action authorized by or failure to perform a duty imposed by state law regarding a license to carry a concealed handgun or by the actions of an applicant for or holder of such a license. The bill adds an institution of higher education or a private or independent institution of higher education and an officer or employee of such an institution to the entities and persons against which a cause of action in damages may not be brought for any damages caused by the actions of an applicant or license holder. The bill adds such an institution and officer or employee of such an institution to the entities and persons to which the granted immunities are inapplicable if such an entity or person committed an act or a failure to act and the act or failure to act was capricious or arbitrary.

C.S.H.B. 1893 amends the Penal Code to provide an exception to the application of the offense of intentionally, knowingly, or recklessly possessing or going with a weapon to a place where the weapon is prohibited if the person possesses or goes on the premises of an institution of higher education or private or independent institution of higher education, or on the grounds or building on which an institution-sponsored activity is being conducted, with a concealed handgun that the person is licensed to carry.

C.S.H.B. 1893 provides an exception to the application of the offense of the unlawful carrying of a handgun by a concealed handgun license holder on the premises where a collegiate sporting event is taking place if the actor was not given effective notice that entry on the premises with a concealed handgun was forbidden.

C.S.H.B. 1893 defines "institution of higher education," "private or independent institution of higher education" and "premises" in both the Government and Penal Codes.

#### **EFFECTIVE DATE**

September 1, 2009.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1893 adds a provision not in the original to authorize a private or independent institution of higher education, after consulting with students, staff, and faculty, to establish rules, regulations, or other provisions prohibiting concealed handgun license holders from carrying handguns on premises owned or operated by the institution and located on its campus.

C.S.H.B. 1893 adds provisions not in the original relating to the limited liability of an institution of higher education or a private or independent institution of higher education and an officer or employee of such an institution for damages caused by an action authorized by or a failure to perform a duty imposed by state law regarding a license to carry a concealed handgun or the actions of an applicant or license holder and adds a transition provision not in the original to reflect the addition of those provisions.