

BILL ANALYSIS

Senate Research Center

C.S.S.B. 730
By: Hegar et al.
Criminal Justice
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some employers have adopted policies prohibiting the storage of firearms on company property, even those stored in locked vehicles. Such policies rob employees of their rights under the Second Amendment to the United States Constitution and their ability to protect themselves as they travel to and from work.

C.S.S.B. 730 prohibits employers from adopting policies that prohibit their employees from storing legal firearms and/or ammunition in their locked vehicles in the employers' parking lot. Employers would retain the ability to prohibit firearms in the office or in company vehicles, and could still bar firearms from their parking lots provided those parking lots are fenced, access to them is controlled, and the employer provides a reasonably close alternative parking area or storage area. Employers are protected from any civil liability for personal injury, death, property damage, or any other damages resulting from or arising out of an occurrence involving a firearm or ammunition transported except in cases of gross negligence. C.S.S.B. 730 does not apply to those places where firearms are not permitted by state or federal law.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 52, Labor Code, by adding Subchapter G, as follows:

SUBCHAPTER G. RESTRICTIONS ON PROHIBITING EMPLOYEE TRANSPORTATION OR STORAGE OF CERTAIN FIREARMS OR AMMUNITION

Sec. 52.061. RESTRICTION ON PROHIBITING EMPLOYEE ACCESS TO OR STORAGE OF FIREARM OR AMMUNITION. (a) Prohibits a public or private employer from prohibiting an employee who holds a license to carry a concealed handgun under Subchapter H (License to Carry a Concealed Handgun), Chapter 411 (Department of Public Safety of the State of Texas), Government Code, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition from transporting or storing a firearm or ammunition the employee is authorized by law to possess in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area the employer provides for employees.

(b) Provides that, except in cases of gross negligence, a public or private employer or the employer's agent is not liable in a civil action for personal injury, death, property damage, or any other damages resulting from or arising out of an occurrence involving a firearm or ammunition transported or stored in accordance with this section, including an action for damages arising from the theft of the firearm or ammunition or the use of the firearm or ammunition by a person other than the employee authorized by this section to transport or store the firearm or ammunition. Provides that the presence of a firearm or ammunition transported or stored in the manner and in a location described by Subsection (a) does not by itself constitute a failure by the employer to provide a safe workplace.

(c) Provides that this section does not prohibit a public or private employer from adopting a policy requiring that any firearm described by Subsection (a), while on property controlled by the employer, be stored in a locked, privately owned motor vehicle and hidden from plain view or locked in a case or container located in the vehicle while the vehicle is unattended.

(d) Provides that this section does not prohibit a public or private employer from prohibiting an employee who holds a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, or who otherwise lawfully possesses a firearm, from transporting or storing a firearm the employee is authorized by law to possess in a locked, privately owned motor vehicle in a parking area the employer provides employees if access to the parking area is restricted or limited through the use of a fence, gate, security station, sign, or other means of restricting or limiting general public access; and the employer provides an alternative location on the employer's property for the employee to securely store the employee's unloaded firearm while on the employer's property; or an alternative parking area reasonably close to the main parking area in which employees and other persons are authorized to transport or store firearms in locked, privately owned motor vehicles.

(e) Provides that this section does not prohibit an employer from prohibiting an employee who holds a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, or who otherwise lawfully possesses a firearm, from possessing a firearm the employee is otherwise authorized by law to possess on the premises of the employer's business. Defines "premises."

(f) Provides that this section does not apply to a vehicle owned or leased by a public or private employer and used by an employee in the course and scope of the employee's employment, unless the employee is required to transport or store a firearm in the official discharge of the employee's duties.

(g) Provides that this section does not authorize a person who holds a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition to possess a firearm or ammunition on any property where the possession of a firearm or ammunition is prohibited by state or federal law.

(h) Provides that this section does not apply to a school district; an open-enrollment charter school, as defined by Chapter 5.001 (Definitions), Education Code; or a private school, as defined by Section 22.081 (Definitions), Education Code.

SECTION 2. Amends Section 411.203, Government Code, to define "premises."

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.