

By: Driver, McReynolds, Kolkhorst,  
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H.B. No. 1893

Substitute the following for H.B. No. 1893:

By: Driver

C.S.H.B. No. 1893

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of concealed handguns on the campuses of  
institutions of higher education.

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

SECTION 1. Subchapter H, Chapter 411, Government Code, is  
amended by adding Section 411.2031 to read as follows:

Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON  
CERTAIN CAMPUSES. (a) For purposes of this section, "institution  
of higher education" and "private or independent institution of  
higher education" have the meanings assigned by Section 61.003,  
Education Code.

(b) A license holder may carry a concealed handgun on or  
about the license holder's person while the license holder is on the  
campus of an institution of higher education or private or  
independent institution of higher education in this state.

(c) Except as provided by Subsection (e), an institution of  
higher education or private or independent institution of higher  
education in this state may not adopt any rule, regulation, or other  
provision prohibiting license holders from carrying handguns on the  
campus of the institution.

(d) An institution of higher education or private or  
independent institution of higher education in this state may  
establish rules, regulations, or other provisions concerning the  
storage of handguns in dormitories or other residential buildings

1 that are owned or operated by the institution and located on the  
2 campus of the institution.

3 (e) A private or independent institution of higher  
4 education in this state may, after consulting with students, staff,  
5 and faculty of the institution, establish rules, regulations, or  
6 other provisions prohibiting license holders from carrying  
7 handguns on premises that are owned or operated by the institution  
8 and located on the campus of the institution. For purposes of this  
9 subsection, "premises" has the meaning assigned by Section 46.035,  
10 Penal Code.

11 SECTION 2. Section 411.208, Government Code, is amended by  
12 amending Subsections (a), (b), and (d) and adding Subsection (e) to  
13 read as follows:

14 (a) A court may not hold the state, an agency or subdivision  
15 of the state, an officer or employee of the state, an institution of  
16 higher education or a private or independent institution of higher  
17 education, an officer or employee of an institution of higher  
18 education or a private or independent institution of higher  
19 education, a peace officer, or a qualified handgun instructor  
20 liable for damages caused by:

21 (1) an action authorized under this subchapter or a  
22 failure to perform a duty imposed by this subchapter; or

23 (2) the actions of an applicant or license holder that  
24 occur after the applicant has received a license or been denied a  
25 license under this subchapter.

26 (b) A cause of action in damages may not be brought against  
27 the state, an agency or subdivision of the state, an officer or

1 employee of the state, an institution of higher education or a  
2 private or independent institution of higher education, an officer  
3 or employee of an institution of higher education or a private or  
4 independent institution of higher education, a peace officer, or a  
5 qualified handgun instructor for any damage caused by the actions  
6 of an applicant or license holder under this subchapter.

7 (d) The immunities granted under Subsections (a), (b), and  
8 (c) do not apply to an act or a failure to act by the state, an  
9 agency or subdivision of the state, an officer of the state, an  
10 institution of higher education or a private or independent  
11 institution of higher education, an officer or employee of an  
12 institution of higher education or a private or independent  
13 institution of higher education, or a peace officer if the act or  
14 failure to act was capricious or arbitrary.

15 (e) For purposes of this section, "institution of higher  
16 education" and "private or independent institution of higher  
17 education" have the meanings assigned by Section 411.2031.

18 SECTION 3. Sections 46.03(a) and (c), Penal Code, are  
19 amended to read as follows:

20 (a) A person commits an offense if the person intentionally,  
21 knowingly, or recklessly possesses or goes with a firearm, illegal  
22 knife, club, or prohibited weapon listed in Section 46.05(a):

23 (1) on the physical premises of a school or  
24 educational institution, any grounds or building on which an  
25 activity sponsored by a school or educational institution is being  
26 conducted, or a passenger transportation vehicle of a school or  
27 educational institution, whether the school or educational

1 institution is public or private, unless:

2           (A) pursuant to written regulations or written  
3 authorization of the institution; or

4           (B) the person possesses or goes on the physical  
5 premises of an institution of higher education or private or  
6 independent institution of higher education, or on any grounds or  
7 building on which an activity sponsored by the institution is being  
8 conducted, with a concealed handgun that the person is licensed to  
9 carry under Subchapter H, Chapter 411, Government Code;

10           (2) on the premises of a polling place on the day of an  
11 election or while early voting is in progress;

12           (3) on the premises of any government court or offices  
13 utilized by the court, unless pursuant to written regulations or  
14 written authorization of the court;

15           (4) on the premises of a racetrack;

16           (5) in or into a secured area of an airport; or

17           (6) within 1,000 feet of premises the location of  
18 which is designated by the Texas Department of Criminal Justice as a  
19 place of execution under Article 43.19, Code of Criminal Procedure,  
20 on a day that a sentence of death is set to be imposed on the  
21 designated premises and the person received notice that:

22           (A) going within 1,000 feet of the premises with  
23 a weapon listed under this subsection was prohibited; or

24           (B) possessing a weapon listed under this  
25 subsection within 1,000 feet of the premises was prohibited.

26           (c) In this section:

27           (1) "Institution of higher education" and "private or

1 independent institution of higher education" have the meanings  
2 assigned by Section 61.003, Education Code.

3           (2) [~~(1)~~] "Premises" has the meaning assigned by  
4 Section 46.035.

5           (3) [~~(2)~~] "Secured area" means an area of an airport  
6 terminal building to which access is controlled by the inspection  
7 of persons and property under federal law.

8           SECTION 4. Section 46.035, Penal Code, is amended by adding  
9 Subsection (k) to read as follows:

10           (k) Subsection (b)(2) does not apply on the premises where a  
11 collegiate sporting event is taking place if the actor was not given  
12 effective notice under Section 30.06.

13           SECTION 5. Section 46.11(c)(1), Penal Code, is amended to  
14 read as follows:

15           (1) "Premises" has the meaning [~~"Institution of higher~~  
16 ~~education" and "premises" have the meanings]~~ assigned by Section  
17 481.134, Health and Safety Code.

18           SECTION 6. Section 411.208, Government Code, as amended by  
19 this Act, applies only to a cause of action that accrues on or after  
20 the effective date of this Act. A cause of action that accrued  
21 before the effective date of this Act is governed by the law in  
22 effect immediately before the effective date of this Act, and that  
23 law is continued in effect for that purpose.

24           SECTION 7. Sections 46.03(a) and (c), Penal Code, as  
25 amended by this Act, and Section 46.035(k), Penal Code, as added by  
26 this Act, apply only to an offense committed on or after the  
27 effective date of this Act. An offense committed before the

1 effective date of this Act is covered by the law in effect when the  
2 offense was committed, and the former law is continued in effect for  
3 that purpose. For purposes of this section, an offense was  
4 committed before the effective date of this Act if any element of  
5 the offense occurred before that date.

6 SECTION 8. This Act takes effect September 1, 2009.