

1-1 By: Hegar, et al. S.B. No. 730
1-2 (In the Senate - Filed February 9, 2009; February 25, 2009,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 23, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; March 23, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 730 By: Hegar

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

1-10 relating to an employee's transportation and storage of certain
1-11 firearms or ammunition while on certain property owned or
1-12 controlled by the employee's employer.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Chapter 52, Labor Code, is amended by adding
1-15 Subchapter G to read as follows:

1-16 SUBCHAPTER G. RESTRICTIONS ON PROHIBITING EMPLOYEE TRANSPORTATION
1-17 OR STORAGE OF CERTAIN FIREARMS OR AMMUNITION

1-18 Sec. 52.061. RESTRICTION ON PROHIBITING EMPLOYEE ACCESS TO
1-19 OR STORAGE OF FIREARM OR AMMUNITION. (a) A public or private
1-20 employer may not prohibit an employee who holds a license to carry a
1-21 concealed handgun under Subchapter H, Chapter 411, Government Code,
1-22 who otherwise lawfully possesses a firearm, or who lawfully
1-23 possesses ammunition from transporting or storing a firearm or
1-24 ammunition the employee is authorized by law to possess in a locked,
1-25 privately owned motor vehicle in a parking lot, parking garage, or
1-26 other parking area the employer provides for employees.

1-27 (b) Except in cases of gross negligence, a public or private
1-28 employer or the employer's agent is not liable in a civil action for
1-29 personal injury, death, property damage, or any other damages
1-30 resulting from or arising out of an occurrence involving a firearm
1-31 or ammunition transported or stored in accordance with this
1-32 section, including an action for damages arising from the theft of
1-33 the firearm or ammunition or the use of the firearm or ammunition by
1-34 a person other than the employee authorized by this section to
1-35 transport or store the firearm or ammunition. The presence of a
1-36 firearm or ammunition transported or stored in the manner and in a
1-37 location described by Subsection (a) does not by itself constitute
1-38 a failure by the employer to provide a safe workplace.

1-39 (c) This section does not prohibit a public or private
1-40 employer from adopting a policy requiring that any firearm
1-41 described by Subsection (a), while on property controlled by the
1-42 employer, must be stored in a locked, privately owned motor vehicle
1-43 and hidden from plain view or locked in a case or container located
1-44 in the vehicle while the vehicle is unattended.

1-45 (d) This section does not prohibit a public or private
1-46 employer from prohibiting an employee who holds a license to carry a
1-47 concealed handgun under Subchapter H, Chapter 411, Government Code,
1-48 or who otherwise lawfully possesses a firearm, from transporting or
1-49 storing a firearm the employee is authorized by law to possess in a
1-50 locked, privately owned motor vehicle in a parking area the
1-51 employer provides employees if:

1-52 (1) access to the parking area is restricted or
1-53 limited through the use of a fence, gate, security station, sign, or
1-54 other means of restricting or limiting general public access; and

1-55 (2) the employer provides:

1-56 (A) an alternative location on the employer's
1-57 property for the employee to securely store the employee's unloaded
1-58 firearm while on the employer's property; or

1-59 (B) an alternative parking area reasonably close
1-60 to the main parking area in which employees and other persons may
1-61 transport or store firearms in locked, privately owned motor
1-62 vehicles.

1-63 (e) This section does not prohibit an employer from

2-1 prohibiting an employee who holds a license to carry a concealed
2-2 handgun under Subchapter H, Chapter 411, Government Code, or who
2-3 otherwise lawfully possesses a firearm, from possessing a firearm
2-4 the employee is otherwise authorized by law to possess on the
2-5 premises of the employer's business. In this subsection,
2-6 "premises" has the meaning assigned by Section 46.035(f)(3), Penal
2-7 Code.

2-8 (f) This section does not apply to a vehicle owned or leased
2-9 by a public or private employer and used by an employee in the
2-10 course and scope of the employee's employment, unless the employee
2-11 is required to transport or store a firearm in the official
2-12 discharge of the employee's duties.

2-13 (g) This section does not authorize a person who holds a
2-14 license to carry a concealed handgun under Subchapter H, Chapter
2-15 411, Government Code, who otherwise lawfully possesses a firearm,
2-16 or who lawfully possesses ammunition to possess a firearm or
2-17 ammunition on any property where the possession of a firearm or
2-18 ammunition is prohibited by state or federal law.

2-19 (h) This section does not apply to:

2-20 (1) a school district;

2-21 (2) an open-enrollment charter school, as defined by
2-22 Section 5.001, Education Code; or

2-23 (3) a private school, as defined by Section 22.081,
2-24 Education Code.

2-25 SECTION 2. Section 411.203, Government Code, is amended to
2-26 read as follows:

2-27 Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does
2-28 not prevent or otherwise limit the right of a public or private
2-29 employer to prohibit persons who are licensed under this subchapter
2-30 from carrying a concealed handgun on the premises of the business.
2-31 In this subsection, "premises" has the meaning assigned by Section
2-32 46.035(f)(3), Penal Code.

2-33 SECTION 3. The change in law made by this Act applies only
2-34 to a cause of action that accrues on or after the effective date of
2-35 this Act. A cause of action that accrues before that date is
2-36 governed by the law as it existed immediately before the effective
2-37 date of this Act, and that law is continued in effect for that
2-38 purpose.

2-39 SECTION 4. This Act takes effect September 1, 2009.

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