

By: Wentworth, et al.

S.B. No. 1164

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 (f) This section does not provide an exception to the
12 application of or a defense to prosecution under Section
13 46.03(a)(2), 46.035(b)(1), or 46.035(c), Penal Code.

14 (g) This section does not permit a license holder to carry a
15 concealed handgun on or about the premises of a hospital maintained
16 or operated by an institution of higher education.

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

20 (a) A court may not hold the state, an agency or subdivision
21 of the state, an officer or employee of the state, an institution of
22 higher education or a private or independent institution of higher
23 education, an officer or employee of an institution of higher
24 education or a private or independent institution of higher
25 education, a peace officer, or a qualified handgun instructor
26 liable for damages caused by:

27 (1) an action authorized under this subchapter or a

1 failure to perform a duty imposed by this subchapter; or

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

5 (b) A cause of action in damages may not be brought against
6 the state, an agency or subdivision of the state, an officer or
7 employee of the state, an institution of higher education or a
8 private or independent institution of higher education, an officer
9 or employee of an institution of higher education or a private or
10 independent institution of higher education, a peace officer, or a
11 qualified handgun instructor for any damage caused by the actions
12 of an applicant or license holder under this subchapter.

13 (d) The immunities granted under Subsections (a), (b), and
14 (c) do not apply to an act or a failure to act by the state, an
15 agency or subdivision of the state, an officer of the state, an
16 institution of higher education or a private or independent
17 institution of higher education, an officer or employee of an
18 institution of higher education or a private or independent
19 institution of higher education, or a peace officer if the act or
20 failure to act was capricious or arbitrary.

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

24 SECTION 3. Section 46.03, Penal Code, is amended by
25 amending Subsections (a) and (c) and adding Subsection (j) to read
26 as follows:

27 (a) A person commits an offense if the person intentionally,

1 knowingly, or recklessly possesses or goes with a firearm, illegal
2 knife, club, or prohibited weapon listed in Section 46.05(a):

3 (1) on the physical premises of a school or
4 educational institution, any grounds or building on which an
5 activity sponsored by a school or educational institution is being
6 conducted, or a passenger transportation vehicle of a school or
7 educational institution, whether the school or educational
8 institution is public or private, unless:

9 (A) pursuant to written regulations or written
10 authorization of the institution; or

11 (B) the person possesses or goes on the physical
12 premises of an institution of higher education or private or
13 independent institution of higher education, or on any grounds or
14 building on which an activity sponsored by the institution is being
15 conducted, with a concealed handgun that the person is licensed to
16 carry under Subchapter H, Chapter 411, Government Code;

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

19 (3) on the premises of any government court or offices
20 utilized by the court, unless pursuant to written regulations or
21 written authorization of the court;

22 (4) on the premises of a racetrack;

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

24 (6) within 1,000 feet of premises the location of
25 which is designated by the Texas Department of Criminal Justice as a
26 place of execution under Article 43.19, Code of Criminal Procedure,
27 on a day that a sentence of death is set to be imposed on the

1 designated premises and the person received notice that:

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

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

6 (c) In this section:

7 (1) "Institution of higher education" and "private or
8 independent institution of higher education" have the meanings
9 assigned by Section 61.003, Education Code.

10 (2) "Premises" has the meaning assigned by Section
11 46.035.

12 (3) [~~(2)~~] "Secured area" means an area of an airport
13 terminal building to which access is controlled by the inspection
14 of persons and property under federal law.

15 (j) Subsection (a)(1)(B) does not permit a person to possess
16 a concealed handgun, or go with a concealed handgun, on the premises
17 of a hospital maintained or operated by an institution of higher
18 education.

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

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

24 SECTION 5. Subdivision (1), Subsection (c), Section 46.11,
25 Penal Code, is amended to read as follows:

26 (1) "Premises" has the meaning [~~"Institution of higher~~
27 ~~education" and "premises" have the meanings~~] assigned by Section

1 481.134, Health and Safety Code.

2 SECTION 6. Section 411.208, Government Code, as amended by
3 this Act, applies only to a cause of action that accrues on or after
4 September 1, 2010. A cause of action that accrued before that date
5 is governed by the law in effect immediately before that date, and
6 that law is continued in effect for that purpose.

7 SECTION 7. Subsections (a) and (c), Section 46.03, Penal
8 Code, as amended by this Act, and Subsection (k), Section 46.035,
9 Penal Code, as added by this Act, apply only to an offense committed
10 on or after September 1, 2010. An offense committed before
11 September 1, 2010, is covered by the law in effect when the offense
12 was committed, and the former law is continued in effect for that
13 purpose. For purposes of this section, an offense was committed
14 before September 1, 2010, if any element of the offense occurred
15 before that date.

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