

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) 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 that are owned or operated by the institution and located on the

1 campus of the institution.

2 SECTION 2. Sections 46.03(a) and (c), Penal Code, are
3 amended to read as follows:

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

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

13 (A) pursuant to written regulations or written
14 authorization of the institution; or

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

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

23 (3) on the premises of any government court or offices
24 utilized by the court, unless pursuant to written regulations or
25 written authorization of the court;

26 (4) on the premises of a racetrack;

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

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

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

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

10 (c) In this section:

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

14 (2) [~~(1)~~] "Premises" has the meaning assigned by
15 Section 46.035.

16 (3) [~~(2)~~] "Secured area" means an area of an airport
17 terminal building to which access is controlled by the inspection
18 of persons and property under federal law.

19 SECTION 3. 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 4. Section 46.11(c)(1), Penal Code, is amended to
25 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 5. The change in law made by this Act applies only
3 to an offense committed on or after the effective date of this Act.
4 An offense committed before the effective date of this Act is
5 covered by the law in effect when the offense was committed, and the
6 former law is continued in effect for that purpose. For purposes of
7 this section, an offense was committed before the effective date of
8 this Act if any element of the offense occurred before that date.

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