

1-1 By: Wentworth, et al. S.B. No. 1164
1-2 (In the Senate - Filed February 26, 2009; March 13, 2009,
1-3 read first time and referred to Committee on State Affairs;
1-4 May 14, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 3; May 14, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1164 By: Lucio

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

1-10 relating to the carrying of concealed handguns on the campuses of
1-11 institutions of higher education.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter H, Chapter 411, Government Code, is
1-14 amended by adding Section 411.2031 to read as follows:

1-15 Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON
1-16 CERTAIN CAMPUSES. (a) For purposes of this section, "institution
1-17 of higher education" and "private or independent institution of
1-18 higher education" have the meanings assigned by Section 61.003,
1-19 Education Code.

1-20 (b) A license holder may carry a concealed handgun on or
1-21 about the license holder's person while the license holder is on the
1-22 campus of an institution of higher education or private or
1-23 independent institution of higher education in this state.

1-24 (c) Except as provided by Subsection (e), an institution of
1-25 higher education or private or independent institution of higher
1-26 education in this state may not adopt any rule, regulation, or other
1-27 provision prohibiting license holders from carrying handguns on the
1-28 campus of the institution.

1-29 (d) An institution of higher education or private or
1-30 independent institution of higher education in this state may
1-31 establish rules, regulations, or other provisions concerning the
1-32 storage of handguns in dormitories or other residential buildings
1-33 that are owned or operated by the institution and located on the
1-34 campus of the institution.

1-35 (e) A private or independent institution of higher
1-36 education in this state may, after consulting with students, staff,
1-37 and faculty of the institution, establish rules, regulations, or
1-38 other provisions prohibiting license holders from carrying
1-39 handguns on premises that are owned or operated by the institution
1-40 and located on the campus of the institution. For purposes of this
1-41 subsection, "premises" has the meaning assigned by Section 46.035,
1-42 Penal Code.

1-43 SECTION 2. Section 411.208, Government Code, is amended by
1-44 amending Subsections (a), (b), and (d) and adding Subsection (e) to
1-45 read as follows:

1-46 (a) A court may not hold the state, an agency or subdivision
1-47 of the state, an officer or employee of the state, an institution of
1-48 higher education or a private or independent institution of higher
1-49 education, an officer or employee of an institution of higher
1-50 education or a private or independent institution of higher
1-51 education, a peace officer, or a qualified handgun instructor
1-52 liable for damages caused by:

1-53 (1) an action authorized under this subchapter or a
1-54 failure to perform a duty imposed by this subchapter; or

1-55 (2) the actions of an applicant or license holder that
1-56 occur after the applicant has received a license or been denied a
1-57 license under this subchapter.

1-58 (b) A cause of action in damages may not be brought against
1-59 the state, an agency or subdivision of the state, an officer or
1-60 employee of the state, an institution of higher education or a
1-61 private or independent institution of higher education, an officer
1-62 or employee of an institution of higher education or a private or
1-63 independent institution of higher education, a peace officer, or a

2-1 qualified handgun instructor for any damage caused by the actions
 2-2 of an applicant or license holder under this subchapter.

2-3 (d) The immunities granted under Subsections (a), (b), and
 2-4 (c) do not apply to an act or a failure to act by the state, an
 2-5 agency or subdivision of the state, an officer of the state, an
 2-6 institution of higher education or a private or independent
 2-7 institution of higher education, an officer or employee of an
 2-8 institution of higher education or a private or independent
 2-9 institution of higher education, or a peace officer if the act or
 2-10 failure to act was capricious or arbitrary.

2-11 (e) For purposes of this section, "institution of higher
 2-12 education" and "private or independent institution of higher
 2-13 education" have the meanings assigned by Section 411.2031.

2-14 SECTION 3. Subsections (a) and (c), Section 46.03, Penal
 2-15 Code, are amended to read as follows:

2-16 (a) A person commits an offense if the person intentionally,
 2-17 knowingly, or recklessly possesses or goes with a firearm, illegal
 2-18 knife, club, or prohibited weapon listed in Section 46.05(a):

2-19 (1) on the physical premises of a school or
 2-20 educational institution, any grounds or building on which an
 2-21 activity sponsored by a school or educational institution is being
 2-22 conducted, or a passenger transportation vehicle of a school or
 2-23 educational institution, whether the school or educational
 2-24 institution is public or private, unless:

2-25 (A) pursuant to written regulations or written
 2-26 authorization of the institution; or

2-27 (B) the person possesses or goes on the physical
 2-28 premises of an institution of higher education or private or
 2-29 independent institution of higher education, or on any grounds or
 2-30 building on which an activity sponsored by the institution is being
 2-31 conducted, with a concealed handgun that the person is licensed to
 2-32 carry under Subchapter H, Chapter 411, Government Code;

2-33 (2) on the premises of a polling place on the day of an
 2-34 election or while early voting is in progress;

2-35 (3) on the premises of any government court or offices
 2-36 utilized by the court, unless pursuant to written regulations or
 2-37 written authorization of the court;

2-38 (4) on the premises of a racetrack;

2-39 (5) in or into a secured area of an airport; or

2-40 (6) within 1,000 feet of premises the location of
 2-41 which is designated by the Texas Department of Criminal Justice as a
 2-42 place of execution under Article 43.19, Code of Criminal Procedure,
 2-43 on a day that a sentence of death is set to be imposed on the
 2-44 designated premises and the person received notice that:

2-45 (A) going within 1,000 feet of the premises with
 2-46 a weapon listed under this subsection was prohibited; or

2-47 (B) possessing a weapon listed under this
 2-48 subsection within 1,000 feet of the premises was prohibited.

2-49 (c) In this section:

2-50 (1) "Institution of higher education" and "private or
 2-51 independent institution of higher education" have the meanings
 2-52 assigned by Section 61.003, Education Code.

2-53 (2) "Premises" has the meaning assigned by Section
 2-54 46.035.

2-55 (3) [~~2~~] "Secured area" means an area of an airport
 2-56 terminal building to which access is controlled by the inspection
 2-57 of persons and property under federal law.

2-58 SECTION 4. Section 46.035, Penal Code, is amended by adding
 2-59 Subsection (k) to read as follows:

2-60 (k) Subsection (b)(2) does not apply on the premises where a
 2-61 collegiate sporting event is taking place if the actor was not given
 2-62 effective notice under Section 30.06.

2-63 SECTION 5. Subdivision (1), Subsection (c), Section 46.11,
 2-64 Penal Code, is amended to read as follows:

2-65 (1) "Premises" has the meaning [~~"Institution of higher~~
 2-66 ~~education" and "premises" have the meanings~~] assigned by Section
 2-67 481.134, Health and Safety Code.

2-68 SECTION 6. Section 411.208, Government Code, as amended by
 2-69 this Act, applies only to a cause of action that accrues on or after

3-1 September 1, 2010. A cause of action that accrued before that date
3-2 is governed by the law in effect immediately before that date, and
3-3 that law is continued in effect for that purpose.

3-4 SECTION 7. Subsections (a) and (c), Section 46.03, Penal
3-5 Code, as amended by this Act, and Subsection (k), Section 46.035,
3-6 Penal Code, as added by this Act, apply only to an offense committed
3-7 on or after September 1, 2010. An offense committed before
3-8 September 1, 2010, is covered by the law in effect when the offense
3-9 was committed, and the former law is continued in effect for that
3-10 purpose. For purposes of this section, an offense was committed
3-11 before September 1, 2010, if any element of the offense occurred
3-12 before that date.

3-13 SECTION 8. This Act takes effect September 1, 2009.

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