

BILL ANALYSIS

H.B. 1167
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Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Generally, the concealed carry of a handgun is allowed in certain areas proximate to a college campus, such as the parking lot or on the sidewalks of a junior college or technical school. However, it is an offense for a license holder to carry a concealed handgun into a building on a school's campus. H.B. 1167 expands the circumstances under which a person licensed to carry a concealed handgun is allowed to carry such on a campus of a college or institute.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1167 amends the Government Code to prohibit a public junior college or public technical institute in Texas from adopting any rule, regulation, or other provision prohibiting the holder of a license to carry a concealed handgun issued by the Department of Public Safety (DPS) from carrying a handgun on the campus of the college or institute. The bill includes a public junior college or public technical institute and an officer or employee of such a college or institute among the entities that are immune from the following:

- liability for damages caused by an action authorized under concealed handgun licensing provisions of law or a failure to perform a duty imposed under such provisions of law, or by the actions of an applicant for or holder of a concealed handgun license that occur after the applicant has received or been denied such license; and
- having a cause of action in damages brought against the entities for the actions of an applicant or license holder.

The bill makes such immunities inapplicable to a public junior college or public technical institute and an officer or employee of such a college or institute if the institution's or employee's act or failure to act was capricious or arbitrary.

H.B. 1167 provides for the meanings of "public junior college" and "public technical institute" by reference to the Education Code. The bill defines "license holder," for purposes of the bill's provisions on carrying a concealed handgun on campuses, as a person to whom a concealed handgun license has been issued by DPS, including a nonresident license, and excludes from the term a person to whom a concealed handgun has been issued by another state, regardless of whether such a license is recognized under an agreement negotiated by the governor.

H.B. 1167 amends the Penal Code to specify that the offense of possessing or going with a firearm, illegal knife, club, or other specified prohibited weapon on the premises or passenger transportation vehicle of a school or educational institute or on any grounds or building on which an activity sponsored by a school or educational institute is conducted applies to a school or institution of higher education or independent institution of higher education. The bill creates an exception to the offense for an actor who possesses or goes on the premises of a public junior

college or public technical institute, or any grounds or building on which an activity sponsored by the college or institute is being conducted, with a concealed handgun that the person is licensed by DPS to carry. The bill establishes that a provision of law making it an offense, under certain circumstances, for a concealed handgun license holder to intentionally, knowingly, or recklessly carry a handgun, regardless of whether the handgun is concealed, on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place does not apply if the actor was not given effective notice under provisions of law relating to trespass by a concealed handgun license holder.

H.B. 1167 provides for the meanings of "institution of higher education," "private or independent institution of higher education," "public junior college," and "public technical institute" by reference to the Education Code. The bill removes the definition of "institution of higher education" from provisions relating to penalties for an offense committed within a weapon-free school zone. The bill makes conforming and nonsubstantive changes.

EFFECTIVE DATE

September 1, 2011.