

BILL ANALYSIS

C.S.H.B. 2178
By: Driver
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Observers note that an individual who has passed extensive state and federal criminal records checks, completed rigorous training requirements, and been issued a license to carry a concealed handgun for personal protection by the Department of Public Safety is prohibited from possessing a firearm on the physical premises of a school or educational institution and on certain other grounds associated with those entities. Interested parties contend that statistics show that concealed handgun licensees have consistently demonstrated law-abiding and responsible behavior over the years since Texas' concealed carry law went into effect. The parties contend that current Texas law creates a legal and geographical barrier for concealed handgun license holders and denies them the right to protect themselves in certain settings. C.S.H.B. 2178 seeks to address these concerns.

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

C.S.H.B. 2178 amends the Government Code to prohibit an institution of higher education or private or independent institution of higher education in Texas from adopting any rule, regulation, or other provision prohibiting a person who holds a concealed handgun license issued by the Department of Public Safety (DPS) from transporting or storing a handgun of the same category the person is licensed to carry in a locked, privately owned motor vehicle or a motor vehicle leased by the person on a street or driveway located on the campus of the institution or in a parking lot, parking garage, or other parking area located on the campus of the institution. The bill, for purposes of its provisions relating to carrying of handguns by licensed holders in private vehicles on certain campuses, defines "campus" and provides for the meaning of "institution of higher education" and "private or independent institution of higher education" by reference to the Education Code.

C.S.H.B. 2178 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 institution or on any grounds or building on which an activity sponsored by a school or educational institution is conducted applies to a school or institution of higher education or private or independent institution of higher education. The bill creates an exception to the offense for a person who possesses or goes with a concealed handgun that the person is licensed by DPS to carry and no other specified prohibited weapon, on the premises of an institution of higher education or private or independent institution of higher education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution.

C.S.H.B. 2178 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 on or about the license holder's person, 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 on the premises where a collegiate sporting event is taking place if the actor was not given effective oral or written notice that entry on the property by a license holder with a concealed handgun was forbidden or that remaining on the property with a concealed handgun was forbidden. The bill, for purposes of its provisions relating to places where certain weapons are prohibited, provides for the meaning of "institution of higher education" and "private or independent institution of higher education" by reference to the Education Code. The bill makes nonsubstantive and conforming changes.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2178 contains a provision not included in the original prohibiting an institution of higher education or private or independent institution of higher education in Texas from adopting any rule, regulation, or other provision prohibiting a person who holds a license to carry a concealed handgun issued by the Department of Public Safety (DPS) from transporting or storing a handgun of the same category the person is licensed to carry in a locked, privately owned motor vehicle or a motor vehicle leased by the person on a street or driveway, parking lot, parking garage, or other parking area, located on the institution's campus. The substitute contains provisions not included in the original defining "campus" and providing for the definition of "institution of higher education" and "private or independent institution of higher education" by reference.

C.S.H.B. 2178 differs from the original by specifying that the offense of possessing or going with a specified prohibited weapon on certain premises associated with a school or educational institution applies to a school or institution of higher education or private or independent institution of higher education, whereas the original makes no such specification. The substitute differs from the original by creating an exception to that offense for a person who possesses or goes with a concealed handgun that the person is licensed by DPS to carry and no other specified prohibited weapon on the premises of an institution of higher education or private or independent institution of higher education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution, whereas the original creates an exception to that offense for a person who possesses or goes with such a concealed handgun on the physical premises of such an institution of higher education or any such grounds or building.

C.S.H.B. 2178 omits a provision included in the original removing the definition of "institution of higher education" from provisions of law relating to penalties for an offense committed within a weapon-free school zone. The substitute differs from the original in nonsubstantive ways.