

By: Simpson

H.B. No. 86

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. Section 411.208, Government Code, is amended by
3 amending Subsections (a), (b), and (d) and adding Subsection (f) to
4 read as follows:

5 (a) A court may not hold the state, an agency or subdivision
6 of the state, an officer or employee of the state, an institution of
7 higher education or a private or independent institution of higher
8 education, an officer or employee of an institution of higher
9 education or a private or independent institution of higher
10 education, a peace officer, or a qualified handgun instructor
11 liable for damages caused by:

12 (1) an action authorized under this subchapter or a
13 failure to perform a duty imposed by this subchapter; or

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

17 (b) A cause of action in damages may not be brought against
18 the state, an agency or subdivision of the state, an officer or
19 employee of the state, an institution of higher education or a
20 private or independent institution of higher education, an officer
21 or employee of an institution of higher education or a private or
22 independent institution of higher education, a peace officer, or a
23 qualified handgun instructor for any damage caused by the actions
24 of an applicant or license holder under this subchapter.

25 (d) The immunities granted under Subsections (a), (b), and
26 (c) do not apply to an act or a failure to act by the state, an
27 agency or subdivision of the state, an officer of the state, an

1 institution of higher education or a private or independent
2 institution of higher education, an officer or employee of an
3 institution of higher education or a private or independent
4 institution of higher education, or a peace officer if the act or
5 failure to act was capricious or arbitrary.

6 (f) For purposes of this section, "institution of higher
7 education" and "private or independent institution of higher
8 education" have the meanings assigned by Section 411.2031.

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

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

14 (1) on the physical premises of a school or
15 educational institution, any grounds or building on which an
16 activity sponsored by a school or educational institution is being
17 conducted, or a passenger transportation vehicle of a school or
18 educational institution, whether the school or educational
19 institution is public or private, unless:

20 (A) pursuant to written regulations or written
21 authorization of the institution; or

22 (B) the person possesses or goes on the physical
23 premises of an institution of higher education or private or
24 independent institution of higher education, or on any grounds or
25 building on which an activity sponsored by the institution is being
26 conducted, with a concealed handgun that the person is licensed to
27 carry under Subchapter H, Chapter 411, Government Code;

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

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

6 (4) on the premises of a racetrack;

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

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

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

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

17 (c) In this section:

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

21 (2) [~~1~~] "Premises" has the meaning assigned by
22 Section 46.035.

23 (3) [~~2~~] "Secured area" means an area of an airport
24 terminal building to which access is controlled by the inspection
25 of persons and property under federal law.

26 SECTION 4. Section 46.035, Penal Code, is amended by adding
27 Subsection (1) to read as follows:

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

4 SECTION 5. Section 46.11(c)(1), Penal Code, is amended to
5 read as follows:

6 (1) "Premises" has the meaning [~~"Institution of higher~~
7 ~~education" and "premises" have the meanings~~] assigned by Section
8 481.134, Health and Safety Code.

9 SECTION 6. Section 411.208, Government Code, as amended by
10 this Act, applies only to a cause of action that accrues on or after
11 the effective date of this Act. A cause of action that accrued
12 before the effective date of this Act is governed by the law in
13 effect immediately before the effective date of this Act, and that
14 law is continued in effect for that purpose.

15 SECTION 7. Sections 46.03(a) and (c), Penal Code, as
16 amended by this Act, and Section 46.035(1), Penal Code, as added by
17 this Act, apply only to an offense committed on or after the
18 effective date of this Act. An offense committed before the
19 effective date of this Act is covered by the law in effect when the
20 offense was committed, and the former law is continued in effect for
21 that purpose. For purposes of this section, an offense was
22 committed before the effective date of this Act if any element of
23 the offense occurred before that date.

24 SECTION 8. This Act takes effect September 1, 2011.