

By: Driver, Miller of Erath, et al.

H.B. No. 750

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the carrying of concealed handguns on certain premises
3 of or locations associated with schools or institutions of higher
4 education.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

8 Sec. 411.2031. CARRYING OF HANDGUNS BY CERTAIN LICENSE
9 HOLDERS ON CAMPUSES. (a) For purposes of this section:

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

13 (2) "License holder" means a person to whom a license
14 to carry a concealed handgun has been issued under this subchapter,
15 including a nonresident license issued under Section 411.173(a).
16 The term does not include a person to whom a license to carry a
17 concealed handgun has been issued by another state, regardless of
18 whether a license issued by that state is recognized pursuant to an
19 agreement negotiated by the governor under Section 411.173(b).

20 (3) "Premises" has the meaning assigned by Section
21 46.035, Penal Code.

22 (b) Except as provided by Subsection (c) or (d), an
23 institution of higher education or private or independent
24 institution of higher education in this state may not adopt any

1 rule, regulation, or other provision prohibiting license holders
2 from carrying handguns on the campus of the institution.

3 (c) A private or independent institution of higher
4 education in this state may, after consulting with students, staff,
5 and faculty of the institution, adopt rules, regulations, or other
6 provisions prohibiting license holders from carrying handguns on
7 premises that are owned or operated by the institution and located
8 on the campus of the institution.

9 (d) An institution of higher education or private or
10 independent institution of higher education in this state may
11 establish rules, regulations, or other provisions concerning the
12 storage of handguns in dormitories that are owned or operated by the
13 institution and located on the campus of the institution.

14 SECTION 2. Section 411.208, Government Code, is amended by
15 amending Subsections (a), (b), and (d) and adding Subsection (f) to
16 read as follows:

17 (a) A court may not hold the state, an agency or subdivision
18 of the state, an officer or employee of the state, an institution of
19 higher education, an officer or employee of an institution of
20 higher education, a private or independent institution of higher
21 education that has not adopted rules under Section 411.2031(c), an
22 officer or employee of a private or independent institution of
23 higher education that has not adopted rules under Section
24 411.2031(c), a peace officer, or a qualified handgun instructor
25 liable for damages caused by:

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

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

4 (b) A cause of action in damages may not be brought against
5 the state, an agency or subdivision of the state, an officer or
6 employee of the state, an institution of higher education, an
7 officer or employee of an institution of higher education, a
8 private or independent institution of higher education that has not
9 adopted rules under Section 411.2031(c), an officer or employee of
10 a private or independent institution of higher education that has
11 not adopted rules under Section 411.2031(c), a peace officer, or a
12 qualified handgun instructor for any damage caused by the actions
13 of an applicant or license holder under this subchapter.

14 (d) The immunities granted under Subsections (a), (b), and
15 (c) do not apply to an act or a failure to act by the state, an
16 agency or subdivision of the state, an officer of the state, an
17 institution of higher education, an officer or employee of an
18 institution of higher education, a private or independent
19 institution of higher education that has not adopted rules under
20 Section 411.2031(c), an officer or employee of a private or
21 independent institution of higher education that has not adopted
22 rules under Section 411.2031(c), or a peace officer if the act or
23 failure to act was capricious or arbitrary.

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

27 SECTION 3. Sections 46.03(a) and (c), Penal Code, are

1 amended to read as follows:

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

5 (1) on the ~~[physical]~~ premises of a school or
6 ~~[educational]~~ institution of higher education or private or
7 independent institution of higher education, any grounds or
8 building on which an activity sponsored by a school or
9 ~~[educational]~~ institution of higher education or private or
10 independent institution of higher education is being conducted, or
11 a passenger transportation vehicle of a school or ~~[educational]~~
12 institution of higher education or private or independent
13 institution of higher education, whether the school or
14 ~~[educational]~~ institution is public or private, unless:

15 (A) pursuant to written regulations or written
16 authorization of the school or institution; or

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

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

26 (3) on the premises of any government court or offices
27 utilized by the court, unless pursuant to written regulations or

1 written authorization of the court;

2 (4) on the premises of a racetrack;

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

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

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

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

13 (c) In this section:

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

17 (2) [~~1~~] "Premises" has the meaning assigned by
18 Section 46.035.

19 (3) [~~2~~] "Secured area" means an area of an airport
20 terminal building to which access is controlled by the inspection
21 of persons and property under federal law.

22 SECTION 4. Section 46.035(i), Penal Code, is amended to
23 read as follows:

24 (i) Subsections (b)(2), (b)(4), (b)(5), (b)(6), and (c) do
25 not apply if the actor was not given effective notice under Section
26 30.06.

27 SECTION 5. Section 46.11(c)(1), Penal Code, is amended to

1 read as follows:

2 (1) "Premises" has the meaning [~~"Institution of higher~~
3 ~~education" and "premises" have the meanings~~] assigned by Section
4 481.134, Health and Safety Code.

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

11 SECTION 7. Sections 46.03 and 46.035, Penal Code, as
12 amended by this Act, apply only to an offense committed on or after
13 the effective date of this Act. An offense committed before the
14 effective date of this Act is covered by the law in effect when the
15 offense was committed, and the former law is continued in effect for
16 that purpose. For purposes of this section, an offense was
17 committed before the effective date of this Act if any element of
18 the offense occurred before that date.

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