

By: Gooden

H.B. No. 1356

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) An institution of higher education or private or
23 independent institution of higher education in this state may not
24 adopt any rule, regulation, or other provision prohibiting a

1 license holder who is a faculty member, staff member, or employee of
2 the institution from carrying a handgun on the campus of the
3 institution.

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

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

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

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

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

27 (d) The immunities granted under Subsections (a), (b), and

1 (c) do not apply to:

2 (1) an act or a failure to act by the state, an agency
3 or subdivision of the state, an officer of the state, an institution
4 of higher education or a private or independent institution of
5 higher education, an officer or employee of an institution of
6 higher education or a private or independent institution of higher
7 education, or a peace officer if the act or failure to act was
8 capricious or arbitrary; or

9 (2) personal liability of a person who is a faculty
10 member, staff member, or employee of an institution of higher
11 education or a private or independent institution of higher
12 education arising from the person's unlawful or unjustified use of
13 a firearm while on the campus of the institution of higher education
14 or private or independent institution of higher education.

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

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

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

23 (1) on the [~~physical~~] premises of a school or
24 [~~educational~~] institution of higher education or private or
25 independent institution of higher education, any grounds or
26 building on which an activity sponsored by a school or
27 [~~educational~~] institution of higher education or private or

1 independent institution of higher education is being conducted, or
2 a passenger transportation vehicle of a school or ~~[educational]~~
3 institution of higher education or private or independent
4 institution of higher education, whether the school or
5 ~~[educational]~~ institution is public or private, unless:

6 (A) pursuant to written regulations or written
7 authorization of the school or institution; or

8 (B) the person:

9 (i) possesses or goes on the premises of an
10 institution of higher education or private or independent
11 institution of higher education, or on any grounds or building on
12 which an activity sponsored by the institution is being conducted,
13 with a concealed handgun that the person is licensed to carry
14 pursuant to a license issued under Subchapter H, Chapter 411,
15 Government Code; and

16 (ii) is a faculty member, staff member, or
17 employee of that institution;

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

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

23 (4) on the premises of a racetrack;

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

25 (6) within 1,000 feet of premises the location of
26 which is designated by the Texas Department of Criminal Justice as a
27 place of execution under Article 43.19, Code of Criminal Procedure,

1 on a day that a sentence of death is set to be imposed on the
2 designated premises and the person received notice that:

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

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

7 (c) In this section:

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

11 (2) [~~(1)~~] "Premises" has the meaning assigned by
12 Section 46.035.

13 (3) [~~(2)~~] "Secured area" means an area of an airport
14 terminal building to which access is controlled by the inspection
15 of persons and property under federal law.

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

18 (i) Subsections (b)(2), (b)(4), (b)(5), (b)(6), and (c) do
19 not apply if the actor was not given effective notice under Section
20 30.06.

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

23 (1) "Premises" has the meaning [~~"Institution of higher~~
24 ~~education" and "premises" have the meanings~~] assigned by Section
25 481.134, Health and Safety Code.

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

1 the effective date of this Act. A cause of action that accrued
2 before the effective date of this Act is governed by the law in
3 effect immediately before the effective date of this Act, and the
4 former law is continued in effect for that purpose.

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

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