

By: Driver

H.B. No. 2178

Substitute the following for H.B. No. 2178:

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C.S.H.B. No. 2178

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the carrying of concealed handguns on the campuses of
3 and certain other locations associated with 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 411.2032 to read as follows:

8 Sec. 411.2032. CARRYING OF HANDGUNS BY LICENSE HOLDERS IN
9 PRIVATE VEHICLES ON CERTAIN CAMPUSES. (a) For purposes of this
10 section:

11 (1) "Campus" means all land and buildings owned or
12 leased by an institution of higher education or private or
13 independent institution of higher education.

14 (2) "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 (b) An institution of higher education or private or
18 independent institution of higher education in this state may not
19 adopt any rule, regulation, or other provision prohibiting a person
20 who holds a license to carry a concealed handgun under Subchapter H,
21 Chapter 411, Government Code, from transporting or storing a
22 handgun of the same category the person is licensed to carry in a
23 locked, privately owned motor vehicle or a motor vehicle leased by
24 the person:

1 (1) on a street or driveway located on the campus of
2 the institution; or

3 (2) in a parking lot, parking garage, or other parking
4 area located on the campus of the institution.

5 SECTION 2. Sections 46.03(a) and (c), Penal Code, are
6 amended to read as follows:

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

10 (1) on the ~~[physical]~~ premises of a school or
11 ~~[educational]~~ institution of higher education or private or
12 independent institution of higher education, any grounds or
13 building on which an activity sponsored by a school or
14 ~~[educational]~~ institution of higher education or private or
15 independent institution of higher education is being conducted, or
16 a passenger transportation vehicle of a school or ~~[educational]~~
17 institution of higher education or private or independent
18 institution of higher education, whether the school or
19 ~~[educational]~~ 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 with a concealed
23 handgun that the person is licensed to carry under Subchapter H,
24 Chapter 411, Government Code, and no other weapon to which this
25 subsection applies, on the premises of an institution of higher
26 education or private or independent institution of higher
27 education, on any grounds or building on which an activity

1 sponsored by the institution is being conducted, or in a passenger
2 transportation vehicle of the institution;

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

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

8 (4) on the premises of a racetrack;

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

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

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

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

19 (c) In this section:

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

23 (2) [~~1~~] "Premises" has the meaning assigned by
24 Section 46.035.

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

1 SECTION 3. Section 46.035, Penal Code, is amended by adding
2 Subsection (1) to read as follows:

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

6 SECTION 4. Sections 46.03(a) and (c), Penal Code, as
7 amended by this Act, and Section 46.035(1), Penal Code, as added by
8 this Act, apply only to an offense committed on or after the
9 effective date of this Act. An offense committed before the
10 effective date of this Act is covered by the law in effect when the
11 offense was committed, and the former law is continued in effect for
12 that purpose. For purposes of this section, an offense was
13 committed before the effective date of this Act if any element of
14 the offense occurred before that date.

15 SECTION 5. This Act takes effect September 1, 2011.