

By: Birdwell

S.B. No. 9

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of concealed handguns on the campuses of
and certain other locations associated with 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:

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

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

(3) "Premises" has the meaning assigned by Section
46.035, Penal 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) Except as provided by Subsection (d) or (e), an
institution of higher education or private or independent
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 (d) An institution of higher education or private or
4 independent institution of higher education in this state may
5 establish rules, regulations, or other provisions concerning the
6 storage of handguns in dormitories or other residential facilities
7 that are owned or leased and operated by the institution and located
8 on the campus of the institution.

9 (e) A private or independent institution of higher
10 education in this state, after consulting with students, staff, and
11 faculty of the institution, may establish rules, regulations, or
12 other provisions prohibiting license holders from carrying
13 handguns on premises that are owned or leased and operated by the
14 institution and located on the campus of the institution.

15 (f) This section does not permit a person to possess a
16 concealed handgun, or go with a concealed handgun, on the premises
17 of a hospital maintained or operated by an institution of higher
18 education or private or independent institution of higher education
19 if the hospital gives effective notice under Section 30.06, Penal
20 Code. In this subsection, "hospital" has the meaning assigned by
21 Section 241.003, Health and Safety Code.

22 (g) This section does not permit a person to possess a
23 concealed handgun, or go with a concealed handgun, on the premises
24 of a preschool, elementary school, or secondary school that is
25 located on the campus of an institution of higher education or
26 private or independent institution of higher education if the
27 institution gives effective notice under Section 30.06, Penal Code.

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

4 (a) A court may not hold the state, an agency or subdivision
5 of the state, an officer or employee of the state, an institution of
6 higher education, an officer or employee of an institution of
7 higher education, a private or independent institution of higher
8 education that has not adopted rules under Section 411.2031(e), an
9 officer or employee of a private or independent institution of
10 higher education that has not adopted rules under Section
11 411.2031(e), a peace officer, or a qualified handgun instructor
12 liable for damages caused by:

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

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

18 (b) A cause of action in damages may not be brought against
19 the state, an agency or subdivision of the state, an officer or
20 employee of the state, an institution of higher education, an
21 officer or employee of an institution of higher education, a
22 private or independent institution of higher education that has not
23 adopted rules under Section 411.2031(e), an officer or employee of
24 a private or independent institution of higher education that has
25 not adopted rules under Section 411.2031(e), a peace officer, or a
26 qualified handgun instructor for any damage caused by the actions
27 of an applicant or license holder under this subchapter.

1 (d) The immunities granted under Subsections (a), (b), and
2 (c) do not apply to:

3 (1) an act or a failure to act by the state, an agency
4 or subdivision of the state, an officer of the state, an institution
5 of higher education, an officer or employee of an institution of
6 higher education, a private or independent institution of higher
7 education that has not adopted rules under Section 411.2031(e), an
8 officer or employee of a private or independent institution of
9 higher education that has not adopted rules under Section
10 411.2031(e), or a peace officer if the act or failure to act was
11 capricious or arbitrary; or

12 (2) any officer or employee of an institution of
13 higher education or a private or independent institution of higher
14 education who possesses a handgun on the campus of that institution
15 and whose conduct with regard to the handgun is made the basis of a
16 claim for personal injury or property damage.

17 (f) For purposes of this section:

18 (1) "Campus" has the meaning assigned by Section
19 411.2031.

20 (2) "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 SECTION 3. Section 46.03, Penal Code, is amended by
24 amending Subsections (a) and (c) and adding Subsections (j) and (k)
25 to read as follows:

26 (a) A person commits an offense if the person intentionally,
27 knowingly, or recklessly possesses or goes with a firearm, illegal

1 knife, club, or prohibited weapon listed in Section 46.05(a):

2 (1) on the physical premises of a school or
3 educational institution, any grounds or building on which an
4 activity sponsored by a school or educational institution is being
5 conducted, or a passenger transportation vehicle of a school or
6 educational institution, whether the school or educational
7 institution is public or private, unless:

8 (A) pursuant to written regulations or written
9 authorization of the institution; or

10 (B) the person possesses or goes with a concealed
11 handgun that the person is licensed to carry under Subchapter H,
12 Chapter 411, Government Code, and no other weapon to which this
13 section applies, on the premises of an institution of higher
14 education or private or independent institution of higher
15 education, on any grounds or building on which an activity
16 sponsored by the institution is being conducted, or in a passenger
17 transportation vehicle of the 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) "Premises" has the meaning assigned by Section
12 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 (j) Subsection (a)(1)(B) does not permit a person to possess
17 a concealed handgun, or go with a concealed handgun, on the premises
18 of a hospital maintained or operated by an institution of higher
19 education or private or independent institution of higher education
20 if the hospital gives effective notice under Section 30.06. In this
21 subsection, "hospital" has the meaning assigned by Section 241.003,
22 Health and Safety Code.

23 (k) Subsection (a)(1)(B) does not permit a person to possess
24 a concealed handgun, or go with a concealed handgun, on the premises
25 of a preschool, elementary school, or secondary school that is
26 located on the premises of an institution of higher education or
27 private or independent institution of higher education if the

1 institution gives effective notice under Section 30.06.

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

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

7 SECTION 5. Section 411.208, Government Code, as amended by
8 this Act, applies only to a cause of action that accrues on or after
9 September 1, 2014. A cause of action that accrued before that date
10 is governed by the law in effect immediately before the effective
11 date of this Act, and that law is continued in effect for that
12 purpose.

13 SECTION 6. Sections 46.03(a) and (c), Penal Code, as
14 amended by this Act, and Sections 46.03(j) and (k) and 46.035(1),
15 Penal Code, as added by this Act, apply only to an offense committed
16 on or after September 1, 2014. An offense committed before
17 September 1, 2014, is governed by the law in effect when the offense
18 was committed, and the former law is continued in effect for that
19 purpose. For purposes of this section, an offense was committed
20 before September 1, 2014, if any element of the offense occurred
21 before that date.

22 SECTION 7. This Act takes effect September 1, 2013.