

By: Guillen, Springer

H.B. No. 508

Substitute the following for H.B. No. 508:

By: Herrero

C.S.H.B. No. 508

A BILL TO BE ENTITLED

AN ACT

relating to certain offenses relating to carrying concealed handguns on property owned or leased by a governmental entity; providing a civil penalty.

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

SECTION 1. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.209 to read as follows:

Sec. 411.209. WRONGFUL EXCLUSION OF CONCEALED HANDGUN LICENSE HOLDER. (a) A state agency or a political subdivision of the state may not provide notice by a communication described by Section 30.06, Penal Code, or by any substantially similar communication to a license holder carrying a handgun under the authority of this subchapter that entering or remaining on a premises or other place owned or leased by the governmental entity is prohibited if the license holder is not prohibited from carrying a handgun on the premises or other place by Section 46.03 or 46.035, Penal Code.

(b) A state agency or a political subdivision of the state that violates Subsection (a) is liable for a civil penalty of:

(1) not less than \$1,000 and not more than \$1,500 for the first violation; and

(2) not less than \$10,000 and not more than \$10,500 for the second or a subsequent violation.

(c) Each day of a continuing violation of Subsection (a)

1 constitutes a separate violation.

2 (d) On request of a citizen of this state or a person
3 licensed to carry a concealed handgun under Subchapter H, Chapter
4 411, Government Code, the attorney general shall sue to collect the
5 civil penalty provided by Subsection (b).

6 (e) A civil penalty collected by the attorney general under
7 this section shall be deposited to the credit of the compensation to
8 victims of crime fund established under Subchapter B, Chapter 56,
9 Code of Criminal Procedure.

10 (f) Before a suit may be brought against a state agency or a
11 political subdivision of the state for a violation of Subsection
12 (a), the attorney general must give the chief administrative
13 officer of the agency or political subdivision charged with the
14 violation a written notice that:

15 (1) describes the violation and specific location of
16 the sign found to be in violation;

17 (2) states the amount of the proposed penalty for the
18 violation; and

19 (3) gives the agency or political subdivision 15 days
20 from receipt of the notice to remove the sign and cure the violation
21 to avoid the penalty, unless the agency or political subdivision
22 was found liable by a court for previously violating Subsection
23 (a).

24 (g) Sovereign immunity to suit is waived and abolished to
25 the extent of liability created by this section.

26 SECTION 2. Section 46.035(c), Penal Code, is amended to
27 read as follows:

1 (c) A license holder commits an offense if the license
2 holder intentionally, knowingly, or recklessly carries a handgun
3 under the authority of Subchapter H, Chapter 411, Government Code,
4 regardless of whether the handgun is concealed, in the room or rooms
5 where a [at any] meeting of a governmental entity is held and if the
6 meeting is an open meeting subject to Chapter 551, Government Code,
7 and the entity provided notice as required by that chapter.

8 SECTION 3. The change in law made by this Act in amending
9 Section 46.035(c), Penal Code, applies only to an offense committed
10 on or after the effective date of this Act. An offense committed
11 before the effective date of this Act is governed by the law in
12 effect on the date the offense was committed, and the former law is
13 continued in effect for that purpose. For purposes of this section,
14 an offense was committed before the effective date of this Act if
15 any element of the offense occurred before that date.

16 SECTION 4. This Act takes effect September 1, 2013.