

By: Fletcher, Flynn, Lavender, Burkett, Bell,
et al.

H.B. No. 972

Substitute the following for H.B. No. 972:

By: Fletcher

C.S.H.B. No. 972

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the carrying of concealed handguns on the premises 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 411.2031 to read as follows:

8 Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON
9 CERTAIN PREMISES OWNED OR LEASED BY INSTITUTION OF HIGHER
10 EDUCATION. (a) For purposes of this section:

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

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

21 (3) "Premises" has the meaning assigned by Section
22 46.035, Penal Code.

23 (b) An institution of higher education in this state, after
24 consulting with students, staff, and faculty of the institution,

1 may adopt written rules or regulations prohibiting license holders
2 from carrying handguns on premises owned or leased and operated by
3 the institution, on any grounds or building owned or leased by the
4 institution and on which an activity sponsored by the institution
5 is being conducted, or on a passenger transportation vehicle of the
6 institution. An institution of higher education that adopts a rule
7 or regulation under this subsection shall give notice of the rule or
8 regulation by posting signs that meet the requirements for notice
9 under Section 30.06, Penal Code.

10 (c) An institution of higher education that does not adopt a
11 rule or regulation under Subsection (b) shall adopt written rules
12 or regulations concerning:

13 (1) the storage of handguns in dormitories or other
14 residential facilities that are owned or leased and operated by the
15 institution; and

16 (2) the carrying of concealed handguns by license
17 holders at collegiate sporting events that take place on grounds or
18 buildings owned or leased and operated by the institution.

19 (d) A private or independent institution of higher
20 education in this state, after consulting with students, staff, and
21 faculty of the institution, may adopt written rules or regulations
22 allowing license holders to carry handguns on premises owned or
23 leased and operated by the institution, on any grounds or building
24 owned or leased by the institution and on which an activity
25 sponsored by the institution is being conducted, or on a passenger
26 transportation vehicle of the institution. An institution that
27 adopts a rule or regulation under this subsection shall also adopt

1 written rules or regulations described by Subsection (c).

2 (e) This section does not permit a person to possess a
3 concealed handgun, or go with a concealed handgun, on the premises
4 of a hospital maintained or operated by an institution of higher
5 education if the hospital gives notice under Section 30.06, Penal
6 Code. In this subsection, "hospital" has the meaning assigned by
7 Section 241.003, Health and Safety Code.

8 (f) This section does not permit a person to possess a
9 concealed handgun, or go with a concealed handgun, on the premises
10 of a preschool, elementary school, or secondary school that is
11 located on the grounds or premises of an institution of higher
12 education if the institution gives notice under Section 30.06,
13 Penal Code.

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 or a private or independent institution of higher
20 education, an officer or employee of an institution of higher
21 education or a private or independent institution of higher
22 education, a peace officer, or a qualified handgun instructor
23 liable for damages caused by:

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

26 (2) the actions of an applicant or license holder that
27 occur after the applicant has received a license or been denied a

1 license under this subchapter.

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

10 (d) The immunities granted under Subsections (a), (b), and
11 (c) do not apply to an act or a failure to act by the state, an
12 agency or subdivision of the state, an officer of the state, an
13 institution of higher education or a private or independent
14 institution of higher education, an officer or employee of an
15 institution of higher education or a private or independent
16 institution of higher education, or a peace officer if the act or
17 failure to act was capricious or arbitrary.

18 (f) For purposes of this section, "institution of higher
19 education" and "private or independent institution of higher
20 education" have the meanings assigned by Section 61.003, Education
21 Code.

22 SECTION 3. Section 46.03, Penal Code, is amended by
23 amending Subsections (a) and (c) and adding Subsections (j), (k),
24 and (l) to read as follows:

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

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

11 (A) pursuant to written rules or regulations or
12 written authorization of the school or institution; or

13 (B) the person possesses or goes on premises
14 owned or leased and operated by an institution of higher education,
15 on any grounds or building owned or leased by the institution and on
16 which an activity sponsored by the institution is being conducted,
17 or on a passenger transportation vehicle of the institution with a
18 concealed handgun that the person is licensed to carry pursuant to a
19 license issued under Subchapter H, Chapter 411, Government Code;

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

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

25 (4) on the premises of a racetrack;

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

27 (6) within 1,000 feet of premises the location of

1 which is designated by the Texas Department of Criminal Justice as a
2 place of execution under Article 43.19, Code of Criminal Procedure,
3 on a day that a sentence of death is set to be imposed on the
4 designated premises and the person received notice that:

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

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

9 (c) In 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) [~~(1)~~] "Premises" has the meaning assigned by
14 Section 46.035.

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

18 (j) Subsection (a)(1)(B) does not preclude an institution
19 of higher education from adopting written rules or regulations
20 prohibiting license holders from carrying handguns under Section
21 411.2031(b), Government Code.

22 (k) Subsection (a)(1)(B) does not permit a person to possess
23 a concealed handgun, or go with a concealed handgun, on the premises
24 of a hospital maintained or operated by an institution of higher
25 education if the hospital gives notice under Section 30.06. In this
26 subsection, "hospital" has the meaning assigned by Section 241.003,
27 Health and Safety Code.

1 (1) Subsection (a)(1)(B) does not permit a person to possess
2 a concealed handgun, or go with a concealed handgun, on the premises
3 of a preschool, elementary school, or secondary school that is
4 located on the grounds or premises of an institution of higher
5 education if the institution gives notice under Section 30.06.

6 SECTION 4. Section 46.035, Penal Code, is amended by
7 amending Subsections (b) and (i) and adding Subsection (1) to read
8 as follows:

9 (b) A license holder commits an offense if the license
10 holder intentionally, knowingly, or recklessly carries a handgun
11 under the authority of Subchapter H, Chapter 411, Government Code,
12 regardless of whether the handgun is concealed, on or about the
13 license holder's person:

14 (1) on the premises of a business that has a permit or
15 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic
16 Beverage Code, if the business derives 51 percent or more of its
17 income from the sale or service of alcoholic beverages for
18 on-premises consumption, as determined by the Texas Alcoholic
19 Beverage Commission under Section 104.06, Alcoholic Beverage Code;

20 (2) on the premises where a high school, collegiate,
21 or professional sporting event or interscholastic event is taking
22 place, unless the license holder is a participant in the event and a
23 handgun is used in the event;

24 (3) on the premises of a correctional facility;

25 (4) on the premises of a hospital licensed under
26 Chapter 241, Health and Safety Code, or on the premises of a nursing
27 home licensed under Chapter 242, Health and Safety Code, unless the

1 license holder has written authorization of the hospital or nursing
2 home administration, as appropriate;

3 (5) in an amusement park; [~~or~~]

4 (6) on the premises of a church, synagogue, or other
5 established place of religious worship; or

6 (7) in violation of rules adopted under Section
7 411.2031(b), Government Code, by an institution of higher
8 education, as defined by Section 61.003, Education Code, on
9 premises owned or leased and operated by the institution, on any
10 grounds or building owned or leased by the institution and on which
11 an activity sponsored by the institution is being conducted, or on a
12 passenger transportation vehicle of the institution.

13 (i) Subsections (b)(4), (b)(5), (b)(6), (b)(7), and (c) do
14 not apply if the actor was not given effective notice under Section
15 30.06.

16 (1) Subsection (b)(2) does not apply on premises owned or
17 leased and operated by an institution of higher education as
18 defined by Section 61.003, Education Code, where a collegiate
19 sporting event sponsored by the institution is taking place unless
20 the actor is given notice under Section 30.06.

21 SECTION 5. Section 411.208, Government Code, as amended by
22 this Act, applies only to a cause of action that accrues on or after
23 the effective date of this Act. A cause of action that accrued
24 before the effective date of this Act is governed by the law in
25 effect immediately before the effective date of this Act, and the
26 former law is continued in effect for that purpose.

27 SECTION 6. Sections 46.03 and 46.035, Penal Code, as

1 amended by this Act, apply only to an offense committed on or after
2 the effective date of this Act. An offense committed before the
3 effective date of this Act is governed by the law in effect on the
4 date the offense was committed, and the former law is continued in
5 effect for that purpose. For purposes of this section, an offense
6 was committed before the effective date of this Act if any element
7 of the offense occurred before that date.

8 SECTION 7. This Act takes effect January 1, 2014.