

By: Flynn

H.B. No. 106

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a person who is licensed to carry a handgun to openly carry the handgun; providing penalties.

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

SECTION 1. Section 11.041(a), Alcoholic Beverage Code, is amended to read as follows:

(a) Each holder of a permit who is not otherwise required to display a sign under Section 411.204, Government Code, shall display in a prominent place on the permit holder's premises a sign giving notice that it is unlawful for a person to carry a weapon on the premises unless the weapon is a concealed or unconcealed handgun the person is licensed to carry under Subchapter H, Chapter 411, Government Code.

SECTION 2. Section 11.61(e), Alcoholic Beverage Code, is amended to read as follows:

(e) Except as provided by Subsection (f) or (i), the commission or administrator shall cancel an original or renewal permit if it is found, after notice and hearing, that the permittee knowingly allowed a person to possess a firearm in a building on the licensed premises. This subsection does not apply to a person:

(1) who holds a security officer commission issued under Chapter 1702, Occupations Code, if:

(A) the person is engaged in the performance of the person's duties as a security officer;

1 (B) the person is wearing a distinctive uniform;

2 and

3 (C) the weapon is in plain view;

4 (2) who is a peace officer;

5 (3) who is a permittee or an employee of a permittee if
6 the person is supervising the operation of the premises; or

7 (4) who possesses a [~~concealed~~ handgun the person is
8 licensed to carry under Subchapter H, Chapter 411, Government Code,
9 regardless of whether the handgun is carried in a concealed or
10 unconcealed manner, unless the person is on the premises of a
11 business described by Section 46.035(b)(1), Penal Code.

12 SECTION 3. Section 61.11(a), Alcoholic Beverage Code, is
13 amended to read as follows:

14 (a) Each holder of a license who is not otherwise required
15 to display a sign under Section 411.204, Government Code, shall
16 display in a prominent place on the license holder's premises a sign
17 giving notice that it is unlawful for a person to carry a weapon on
18 the premises unless the weapon is a concealed or unconcealed
19 handgun the person is licensed to carry under Subchapter H, Chapter
20 411, Government Code.

21 SECTION 4. Section 61.71(f), Alcoholic Beverage Code, is
22 amended to read as follows:

23 (f) Except as provided by Subsection (g) or (j), the
24 commission or administrator shall cancel an original or renewal
25 dealer's on-premises or off-premises license if it is found, after
26 notice and hearing, that the licensee knowingly allowed a person to
27 possess a firearm in a building on the licensed premises. This

1 subsection does not apply to a person:

2 (1) who holds a security officer commission issued
3 under Chapter 1702, Occupations Code, if:

4 (A) the person is engaged in the performance of
5 the person's duties as a security officer;

6 (B) the person is wearing a distinctive uniform;
7 and

8 (C) the weapon is in plain view;

9 (2) who is a peace officer;

10 (3) who is a licensee or an employee of a licensee if
11 the person is supervising the operation of the premises; or

12 (4) who possesses a [~~concealed~~] handgun the person is
13 licensed to carry under Subchapter H, Chapter 411, Government Code,
14 regardless of whether the handgun is carried in a concealed or
15 unconcealed manner, unless the person is on the premises of a
16 business described by Section 46.035(b)(1), Penal Code.

17 SECTION 5. Article 7A.05(c), Code of Criminal Procedure, is
18 amended to read as follows:

19 (c) In a protective order, the court may suspend a license
20 to carry a concealed or unconcealed handgun issued under Section
21 411.177, Government Code, that is held by the alleged offender.

22 SECTION 6. Article 17.292(1), Code of Criminal Procedure,
23 is amended to read as follows:

24 (1) In the order for emergency protection, the magistrate
25 shall suspend a license to carry a concealed or unconcealed handgun
26 issued under Subchapter H, Chapter 411, Government Code, that is
27 held by the defendant.

1 SECTION 7. Article 17.293, Code of Criminal Procedure, is
2 amended to read as follows:

3 Art. 17.293. DELIVERY OF ORDER FOR EMERGENCY PROTECTION TO
4 OTHER PERSONS. The magistrate or the clerk of the magistrate's
5 court issuing an order for emergency protection under Article
6 17.292 that suspends a license to carry a concealed or unconcealed
7 handgun shall immediately send a copy of the order to the
8 appropriate division of the Department of Public Safety at its
9 Austin headquarters. On receipt of the order suspending the
10 license, the department shall:

11 (1) record the suspension of the license in the
12 records of the department;

13 (2) report the suspension to local law enforcement
14 agencies, as appropriate; and

15 (3) demand surrender of the suspended license from the
16 license holder.

17 SECTION 8. Sections 37.0811(d) and (f), Education Code, are
18 amended to read as follows:

19 (d) Any written regulations adopted for purposes of
20 Subsection (c) must provide that a school marshal may carry a
21 concealed or unconcealed handgun as described by Subsection (c),
22 except that if the primary duty of the school marshal involves
23 regular, direct contact with students, the marshal may not carry a
24 concealed or unconcealed handgun but may possess a handgun on the
25 physical premises of a school in a locked and secured safe within
26 the marshal's immediate reach when conducting the marshal's primary
27 duty. The written regulations must also require that a handgun

1 carried by or within access of a school marshal may be loaded only
2 with frangible ammunition designed to disintegrate on impact for
3 maximum safety and minimal danger to others.

4 (f) A school district or charter school employee's status as
5 a school marshal becomes inactive on:

6 (1) expiration of the employee's school marshal
7 license under Section 1701.260, Occupations Code;

8 (2) suspension or revocation of the employee's license
9 to carry a concealed or unconcealed handgun issued under Subchapter
10 H, Chapter 411, Government Code;

11 (3) termination of the employee's employment with the
12 district or charter school; or

13 (4) notice from the board of trustees of the district
14 or the governing body of the charter school that the employee's
15 services as school marshal are no longer required.

16 SECTION 9. Section 63.0101, Election Code, is amended to
17 read as follows:

18 Sec. 63.0101. DOCUMENTATION OF PROOF OF
19 IDENTIFICATION. The following documentation is an acceptable form
20 of photo identification under this chapter:

21 (1) a driver's license, election identification
22 certificate, or personal identification card issued to the person
23 by the Department of Public Safety that has not expired or that
24 expired no earlier than 60 days before the date of presentation;

25 (2) a United States military identification card that
26 contains the person's photograph that has not expired or that
27 expired no earlier than 60 days before the date of presentation;

1 (3) a United States citizenship certificate issued to
2 the person that contains the person's photograph;

3 (4) a United States passport issued to the person that
4 has not expired or that expired no earlier than 60 days before the
5 date of presentation; or

6 (5) a license to carry a concealed or unconcealed
7 handgun issued to the person by the Department of Public Safety that
8 has not expired or that expired no earlier than 60 days before the
9 date of presentation.

10 SECTION 10. Section 2.005(b), Family Code, is amended to
11 read as follows:

12 (b) The proof must be established by:

13 (1) a driver's license or identification card issued
14 by this state, another state, or a Canadian province that is current
15 or has expired not more than two years preceding the date the
16 identification is submitted to the county clerk in connection with
17 an application for a license;

18 (2) a United States passport;

19 (3) a current passport issued by a foreign country or a
20 consular document issued by a state or national government;

21 (4) an unexpired Certificate of United States
22 Citizenship, Certificate of Naturalization, United States Citizen
23 Identification Card, Permanent Resident Card, Temporary Resident
24 Card, Employment Authorization Card, or other document issued by
25 the federal Department of Homeland Security or the United States
26 Department of State including an identification photograph;

27 (5) an unexpired military identification card for

1 active duty, reserve, or retired personnel with an identification
2 photograph;

3 (6) an original or certified copy of a birth
4 certificate issued by a bureau of vital statistics for a state or a
5 foreign government;

6 (7) an original or certified copy of a Consular Report
7 of Birth Abroad or Certificate of Birth Abroad issued by the United
8 States Department of State;

9 (8) an original or certified copy of a court order
10 relating to the applicant's name change or sex change;

11 (9) school records from a secondary school or
12 institution of higher education;

13 (10) an insurance policy continuously valid for the
14 two years preceding the date of the application for a license;

15 (11) a motor vehicle certificate of title;

16 (12) military records, including documentation of
17 release or discharge from active duty or a draft record;

18 (13) an unexpired military dependent identification
19 card;

20 (14) an original or certified copy of the applicant's
21 marriage license or divorce decree;

22 (15) a voter registration certificate;

23 (16) a pilot's license issued by the Federal Aviation
24 Administration or another authorized agency of the United States;

25 (17) a license to carry a concealed or unconcealed
26 handgun under Subchapter H, Chapter 411, Government Code;

27 (18) a temporary driving permit or a temporary

1 identification card issued by the Department of Public Safety; or

2 (19) an offender identification card issued by the
3 Texas Department of Criminal Justice.

4 SECTION 11. Section 58.003(m), Family Code, is amended to
5 read as follows:

6 (m) On request of the Department of Public Safety, a
7 juvenile court shall reopen and allow the department to inspect the
8 files and records of the juvenile court relating to an applicant for
9 a license to carry a concealed or unconcealed handgun under
10 Subchapter H, Chapter 411, Government Code.

11 SECTION 12. Section 85.022(d), Family Code, is amended to
12 read as follows:

13 (d) In a protective order, the court shall suspend a license
14 to carry a concealed or unconcealed handgun issued under Subchapter
15 H, Chapter 411, Government Code, that is held by a person found to
16 have committed family violence.

17 SECTION 13. Section 85.042(e), Family Code, is amended to
18 read as follows:

19 (e) The clerk of the court issuing an original or modified
20 protective order under Section 85.022 that suspends a license to
21 carry a concealed or unconcealed handgun shall send a copy of the
22 order to the appropriate division of the Department of Public
23 Safety at its Austin headquarters. On receipt of the order
24 suspending the license, the department shall:

25 (1) record the suspension of the license in the
26 records of the department;

27 (2) report the suspension to local law enforcement

1 agencies, as appropriate; and

2 (3) demand surrender of the suspended license from the
3 license holder.

4 SECTION 14. The heading to Section [411.047](#), Government
5 Code, is amended to read as follows:

6 Sec. 411.047. REPORTING RELATED TO CERTAIN [~~CONCEALED~~]
7 HANDGUN INCIDENTS.

8 SECTION 15. Section [411.0625](#), Government Code, is amended
9 to read as follows:

10 Sec. 411.0625. PASS FOR EXPEDITED ACCESS TO CAPITOL. (a)
11 The department shall allow a person to enter the Capitol and the
12 Capitol Extension, including any public space in the Capitol or
13 Capitol Extension, in the same manner as the department allows
14 entry to a person who presents a concealed or unconcealed handgun
15 license under Subchapter H if the person:

16 (1) obtains from the department a Capitol access pass;
17 and

18 (2) presents the pass to the appropriate law
19 enforcement official when entering the building or a space within
20 the building.

21 (b) To be eligible for a Capitol access pass, a person must
22 meet the eligibility requirements applicable to a license to carry
23 a concealed or unconcealed handgun under Subchapter H, other than
24 requirements regarding evidence of handgun proficiency.

25 (c) The department shall adopt rules to establish a
26 procedure by which a resident of the state may apply for and be
27 issued a Capitol access pass. Rules adopted under this section

1 must include provisions for eligibility, application, approval,
2 issuance, and renewal that:

3 (1) require the department to conduct the same
4 background check on an applicant for a Capitol access pass that is
5 conducted on an applicant for a concealed or unconcealed handgun
6 license under Subchapter H;

7 (2) enable the department to conduct the background
8 check described by Subdivision (1); and

9 (3) establish application and renewal fees in amounts
10 sufficient to cover the cost of administering this section, not to
11 exceed the amounts of similar fees required for a concealed or
12 unconcealed handgun license under Section 411.174.

13 SECTION 16. The heading to Subchapter H, Chapter 411,
14 Government Code, is amended to read as follows:

15 SUBCHAPTER H. LICENSE TO CARRY A CONCEALED
16 OR UNCONCEALED HANDGUN

17 SECTION 17. Section 411.171, Government Code, is amended by
18 adding Subdivision (8) to read as follows:

19 (8) "Unconcealed handgun" means a loaded or unloaded
20 handgun carried upon the person in a shoulder or belt holster with
21 at least dual points of resistance that is wholly or partially
22 visible.

23 SECTION 18. Sections 411.172(a), (b-1), (g), and (h),
24 Government Code, are amended to read as follows:

25 (a) A person is eligible for a license to carry a concealed
26 or unconcealed handgun if the person:

27 (1) is a legal resident of this state for the six-month

1 period preceding the date of application under this subchapter or
2 is otherwise eligible for a license under Section 411.173(a);

3 (2) is at least 21 years of age;

4 (3) has not been convicted of a felony;

5 (4) is not charged with the commission of a Class A or
6 Class B misdemeanor or equivalent offense, or of an offense under
7 Section 42.01, Penal Code, or equivalent offense, or of a felony
8 under an information or indictment;

9 (5) is not a fugitive from justice for a felony or a
10 Class A or Class B misdemeanor or equivalent offense;

11 (6) is not a chemically dependent person;

12 (7) is not incapable of exercising sound judgment with
13 respect to the proper use and storage of a handgun;

14 (8) has not, in the five years preceding the date of
15 application, been convicted of a Class A or Class B misdemeanor or
16 equivalent offense or of an offense under Section 42.01, Penal
17 Code, or equivalent offense;

18 (9) is fully qualified under applicable federal and
19 state law to purchase a handgun;

20 (10) has not been finally determined to be delinquent
21 in making a child support payment administered or collected by the
22 attorney general;

23 (11) has not been finally determined to be delinquent
24 in the payment of a tax or other money collected by the comptroller,
25 the tax collector of a political subdivision of the state, or any
26 agency or subdivision of the state;

27 (12) is not currently restricted under a court

1 protective order or subject to a restraining order affecting the
2 spousal relationship, other than a restraining order solely
3 affecting property interests;

4 (13) has not, in the 10 years preceding the date of
5 application, been adjudicated as having engaged in delinquent
6 conduct violating a penal law of the grade of felony; and

7 (14) has not made any material misrepresentation, or
8 failed to disclose any material fact, in an application submitted
9 pursuant to Section [411.174](#).

10 (b-1) An offense is not considered a felony for purposes of
11 Subsection (b) if, at the time of a person's application for a
12 license to carry a concealed or unconcealed handgun, the offense:

13 (1) is not designated by a law of this state as a
14 felony; and

15 (2) does not contain all the elements of any offense
16 designated by a law of this state as a felony.

17 (g) Notwithstanding Subsection (a)(2), a person who is at
18 least 18 years of age but not yet 21 years of age is eligible for a
19 license to carry a concealed or unconcealed handgun if the person:

20 (1) is a member or veteran of the United States armed
21 forces, including a member or veteran of the reserves or national
22 guard;

23 (2) was discharged under honorable conditions, if
24 discharged from the United States armed forces, reserves, or
25 national guard; and

26 (3) meets the other eligibility requirements of
27 Subsection (a) except for the minimum age required by federal law to

1 purchase a handgun.

2 (h) The issuance of a license to carry a concealed or
3 unconcealed handgun to a person eligible under Subsection (g) does
4 not affect the person's ability to purchase a handgun or ammunition
5 under federal law.

6 SECTION 19. Section 411.173(b), Government Code, is amended
7 to read as follows:

8 (b) The governor shall negotiate an agreement with any other
9 state that provides for the issuance of a license to carry a
10 concealed or unconcealed handgun under which a license issued by
11 the other state is recognized in this state or shall issue a
12 proclamation that a license issued by the other state is recognized
13 in this state if the attorney general of the State of Texas
14 determines that a background check of each applicant for a license
15 issued by that state is initiated by state or local authorities or
16 an agent of the state or local authorities before the license is
17 issued. For purposes of this subsection, "background check" means
18 a search of the National Crime Information Center database and the
19 Interstate Identification Index maintained by the Federal Bureau of
20 Investigation.

21 SECTION 20. Section 411.174(a), Government Code, is amended
22 to read as follows:

23 (a) An applicant for a license to carry a concealed or
24 unconcealed handgun must submit to the director's designee
25 described by Section 411.176:

26 (1) a completed application on a form provided by the
27 department that requires only the information listed in Subsection

1 (b);

2 (2) one or more photographs of the applicant that meet
3 the requirements of the department;

4 (3) a certified copy of the applicant's birth
5 certificate or certified proof of age;

6 (4) proof of residency in this state;

7 (5) two complete sets of legible and classifiable
8 fingerprints of the applicant taken by a person appropriately
9 trained in recording fingerprints who is employed by a law
10 enforcement agency or by a private entity designated by a law
11 enforcement agency as an entity qualified to take fingerprints of
12 an applicant for a license under this subchapter;

13 (6) a nonrefundable application and license fee of
14 \$140 paid to the department;

15 (7) evidence of handgun proficiency, in the form and
16 manner required by the department;

17 (8) an affidavit signed by the applicant stating that
18 the applicant:

19 (A) has read and understands each provision of
20 this subchapter that creates an offense under the laws of this state
21 and each provision of the laws of this state related to use of
22 deadly force; and

23 (B) fulfills all the eligibility requirements
24 listed under Section [411.172](#); and

25 (9) a form executed by the applicant that authorizes
26 the director to make an inquiry into any noncriminal history
27 records that are necessary to determine the applicant's eligibility

1 for a license under Section 411.172(a).

2 SECTION 21. Section 411.177(a), Government Code, is amended
3 to read as follows:

4 (a) The department shall issue a license to carry a
5 concealed or unconcealed handgun to an applicant if the applicant
6 meets all the eligibility requirements and submits all the
7 application materials. The department shall administer the
8 licensing procedures in good faith so that any applicant who meets
9 all the eligibility requirements and submits all the application
10 materials shall receive a license. The department may not deny an
11 application on the basis of a capricious or arbitrary decision by
12 the department.

13 SECTION 22. Section 411.185(c), Government Code, is amended
14 to read as follows:

15 (c) The director by rule shall adopt an informational form
16 that describes state law regarding the use of deadly force and the
17 places where it is unlawful for the holder of a license issued under
18 this subchapter to carry a concealed or unconcealed handgun. An
19 applicant for a renewed license must sign and return the
20 informational form to the department by mail or acknowledge the
21 form electronically on the Internet according to the procedure
22 adopted under Subsection (f).

23 SECTION 23. Section 411.188(g), Government Code, is amended
24 to read as follows:

25 (g) A person who wishes to obtain a license to carry a
26 concealed or unconcealed handgun must apply in person to a
27 qualified handgun instructor to take the appropriate course in

1 handgun proficiency and demonstrate handgun proficiency as
2 required by the department.

3 SECTION 24. Sections 411.190(c) and (f), Government Code,
4 are amended to read as follows:

5 (c) In the manner applicable to a person who applies for a
6 license to carry a concealed or unconcealed handgun, the department
7 shall conduct a background check of a person who applies for
8 certification as a qualified handgun instructor. If the background
9 check indicates that the applicant for certification would not
10 qualify to receive a handgun license, the department may not
11 certify the applicant as a qualified handgun instructor. If the
12 background check indicates that the applicant for certification
13 would qualify to receive a handgun license, the department shall
14 provide handgun instructor training to the applicant. The
15 applicant shall pay a fee of \$100 to the department for the
16 training. The applicant must take and successfully complete the
17 training offered by the department and pay the training fee before
18 the department may certify the applicant as a qualified handgun
19 instructor. The department shall issue a license to carry a
20 concealed or unconcealed handgun under the authority of this
21 subchapter to any person who is certified as a qualified handgun
22 instructor and who pays to the department a fee of \$100 in addition
23 to the training fee. The department by rule may prorate or waive
24 the training fee for an employee of another governmental entity.

25 (f) If the department determines that a reason exists to
26 revoke, suspend, or deny a license to carry a concealed or
27 unconcealed handgun with respect to a person who is a qualified

1 handgun instructor or an applicant for certification as a qualified
2 handgun instructor, the department shall take that action against
3 the person's:

4 (1) license to carry a concealed or unconcealed
5 handgun if the person is an applicant for or the holder of a license
6 issued under this subchapter; and

7 (2) certification as a qualified handgun instructor.

8 SECTION 25. Section [411.1901\(c\)](#), Government Code, is
9 amended to read as follows:

10 (c) A qualified handgun instructor certified in school
11 safety under this section may provide school safety training,
12 including instruction in the subjects listed under Subsection (a),
13 to employees of a school district or an open-enrollment charter
14 school who hold a license to carry a concealed or unconcealed
15 handgun issued under this subchapter.

16 SECTION 26. Section [411.198\(a\)](#), Government Code, is amended
17 to read as follows:

18 (a) On written approval of the director, the department may
19 issue to a law enforcement officer an alias license to carry a
20 concealed or unconcealed handgun to be used in supervised
21 activities involving criminal investigations.

22 SECTION 27. Sections [411.201\(c\)](#), (d), (e), and (h),
23 Government Code, are amended to read as follows:

24 (c) An active judicial officer is eligible for a license to
25 carry a concealed or unconcealed handgun under the authority of
26 this subchapter. A retired judicial officer is eligible for a
27 license to carry a concealed or unconcealed handgun under the

1 authority of this subchapter if the officer:

2 (1) has not been convicted of a felony;

3 (2) has not, in the five years preceding the date of
4 application, been convicted of a Class A or Class B misdemeanor or
5 equivalent offense;

6 (3) is not charged with the commission of a Class A or
7 Class B misdemeanor or equivalent offense or of a felony under an
8 information or indictment;

9 (4) is not a chemically dependent person; and

10 (5) is not a person of unsound mind.

11 (d) An applicant for a license who is an active or retired
12 judicial officer must submit to the department:

13 (1) a completed application, including all required
14 affidavits, on a form prescribed by the department;

15 (2) one or more photographs of the applicant that meet
16 the requirements of the department;

17 (3) two complete sets of legible and classifiable
18 fingerprints of the applicant, including one set taken by a person
19 employed by a law enforcement agency who is appropriately trained
20 in recording fingerprints;

21 (4) evidence of handgun proficiency, in the form and
22 manner required by the department for an applicant under this
23 section;

24 (5) a nonrefundable application and license fee set by
25 the department in an amount reasonably designed to cover the
26 administrative costs associated with issuance of a license to carry
27 a concealed or unconcealed handgun under this subchapter; and

1 (6) if the applicant is a retired judicial officer, a
2 form executed by the applicant that authorizes the department to
3 make an inquiry into any noncriminal history records that are
4 necessary to determine the applicant's eligibility for a license
5 under this subchapter.

6 (e) On receipt of all the application materials required by
7 this section, the department shall:

8 (1) if the applicant is an active judicial officer,
9 issue a license to carry a concealed or unconcealed handgun under
10 the authority of this subchapter; or

11 (2) if the applicant is a retired judicial officer,
12 conduct an appropriate background investigation to determine the
13 applicant's eligibility for the license and, if the applicant is
14 eligible, issue a license to carry a concealed or unconcealed
15 handgun under the authority of this subchapter.

16 (h) The department shall issue a license to carry a
17 concealed or unconcealed handgun under the authority of this
18 subchapter to an elected attorney representing the state in the
19 prosecution of felony cases who meets the requirements of this
20 section for an active judicial officer. The department shall waive
21 any fee required for the issuance of an original, duplicate, or
22 renewed license under this subchapter for an applicant who is an
23 attorney elected or employed to represent the state in the
24 prosecution of felony cases.

25 SECTION 28. Section [411.203](#), Government Code, is amended to
26 read as follows:

27 Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does

1 not prevent or otherwise limit the right of a public or private
2 employer to prohibit persons who are licensed under this subchapter
3 from carrying a concealed handgun or an unconcealed handgun on the
4 premises of the business. In this section, "premises" has the
5 meaning assigned by Section 46.035(f)(3), Penal Code.

6 SECTION 29. Section 411.2032(b), Government Code, is
7 amended to read as follows:

8 (b) An institution of higher education or private or
9 independent institution of higher education in this state may not
10 adopt or enforce any rule, regulation, or other provision or take
11 any other action, including posting notice under Section 30.06,
12 Penal Code, prohibiting or placing restrictions on the storage or
13 transportation of a firearm or ammunition in a locked, privately
14 owned or leased motor vehicle by a person, including a student
15 enrolled at that institution, who holds a license to carry a
16 concealed or unconcealed handgun under this subchapter and lawfully
17 possesses the firearm or ammunition:

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

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

22 SECTION 30. Section 12.092(b), Health and Safety Code, is
23 amended to read as follows:

24 (b) The medical advisory board shall assist the Department
25 of Public Safety of the State of Texas in determining whether:

26 (1) an applicant for a driver's license or a license
27 holder is capable of safely operating a motor vehicle; or

1 (2) an applicant for or holder of a license to carry a
2 concealed or unconcealed handgun under the authority of Subchapter
3 H, Chapter 411, Government Code, or an applicant for or holder of a
4 commission as a security officer under Chapter 1702, Occupations
5 Code, is capable of exercising sound judgment with respect to the
6 proper use and storage of a handgun.

7 SECTION 31. Sections 52.061 and 52.062, Labor Code, are
8 amended to read as follows:

9 Sec. 52.061. RESTRICTION ON PROHIBITING EMPLOYEE ACCESS TO
10 OR STORAGE OF FIREARM OR AMMUNITION. A public or private employer
11 may not prohibit an employee who holds a license to carry a
12 concealed or unconcealed handgun under Subchapter H, Chapter 411,
13 Government Code, who otherwise lawfully possesses a firearm, or who
14 lawfully possesses ammunition from transporting or storing a
15 firearm or ammunition the employee is authorized by law to possess
16 in a locked, privately owned motor vehicle in a parking lot, parking
17 garage, or other parking area the employer provides for employees.

18 Sec. 52.062. EXCEPTIONS. (a) Section 52.061 does not:

19 (1) authorize a person who holds a license to carry a
20 concealed or unconcealed handgun under Subchapter H, Chapter 411,
21 Government Code, who otherwise lawfully possesses a firearm, or who
22 lawfully possesses ammunition to possess a firearm or ammunition on
23 any property where the possession of a firearm or ammunition is
24 prohibited by state or federal law; or

25 (2) apply to:

26 (A) a vehicle owned or leased by a public or
27 private employer and used by an employee in the course and scope of

1 the employee's employment, unless the employee is required to
2 transport or store a firearm in the official discharge of the
3 employee's duties;

4 (B) a school district;

5 (C) an open-enrollment charter school, as
6 defined by Section 5.001, Education Code;

7 (D) a private school, as defined by Section
8 22.081, Education Code;

9 (E) property owned or controlled by a person,
10 other than the employer, that is subject to a valid, unexpired oil,
11 gas, or other mineral lease that contains a provision prohibiting
12 the possession of firearms on the property; or

13 (F) property owned or leased by a chemical
14 manufacturer or oil and gas refiner with an air authorization under
15 Chapter 382, Health and Safety Code, and on which the primary
16 business conducted is the manufacture, use, storage, or
17 transportation of hazardous, combustible, or explosive materials,
18 except in regard to an employee who holds a license to carry a
19 concealed or unconcealed handgun under Subchapter H, Chapter 411,
20 Government Code, and who stores a firearm or ammunition the
21 employee is authorized by law to possess in a locked, privately
22 owned motor vehicle in a parking lot, parking garage, or other
23 parking area the employer provides for employees that is outside of
24 a secured and restricted area:

25 (i) that contains the physical plant;

26 (ii) that is not open to the public; and

27 (iii) the ingress into which is constantly

1 monitored by security personnel.

2 (b) Section 52.061 does not prohibit an employer from
3 prohibiting an employee who holds a license to carry a concealed or
4 unconcealed handgun under Subchapter H, Chapter 411, Government
5 Code, or who otherwise lawfully possesses a firearm, from
6 possessing a firearm the employee is otherwise authorized by law to
7 possess on the premises of the employer's business. In this
8 subsection, "premises" has the meaning assigned by Section
9 46.035(f)(3), Penal Code.

10 SECTION 32. (a) Section 118.011(b), Local Government Code,
11 as effective until September 1, 2019, is amended to read as follows:

12 (b) The county clerk may set and collect the following fee
13 from any person:

14 (1) Returned Check (Sec. 118.0215) not
15 less than \$15 or more than \$30

16 (2) Records Management and Preservation Fee (Sec.
17 118.0216) not more than
18 \$10

19 (3) Mental Health Background Check for License to
20 Carry a Concealed or Unconcealed Handgun [~~Weapon~~] (Sec. 118.0217)
21 not more than \$2

22 (b) This section takes effect September 1, 2015.

23 SECTION 33. (a) Section 118.011(b), Local Government Code,
24 as effective September 1, 2019, is amended to read as follows:

25 (b) The county clerk may set and collect the following fee
26 from any person:

27 (1) Returned Check (Sec. 118.0215) not

1 less than \$15 or more than \$30

2 (2) Records Management and Preservation Fee (Sec.
3 118.0216) not more
4 than \$5

5 (3) Mental Health Background Check for License to
6 Carry a Concealed or Unconcealed Handgun [~~Weapon~~] (Sec. 118.0217)
7 not more than \$2

8 (b) This section takes effect September 1, 2019.

9 SECTION 34. Section 118.0217(a), Local Government Code, is
10 amended to read as follows:

11 (a) The fee for a "mental health background check for
12 license to carry a concealed or unconcealed handgun [~~weapon~~]" is
13 for a check, conducted by the county clerk at the request of the
14 Texas Department of Public Safety, of the county records involving
15 the mental condition of a person who applies for a license to carry
16 a concealed or unconcealed handgun under Subchapter H, Chapter 411,
17 Government Code. The fee, not to exceed \$2, will be paid from the
18 application fee submitted to the Department of Public Safety
19 according to Section 411.174(a)(6), Government Code.

20 SECTION 35. Section 229.001(b), Local Government Code, is
21 amended to read as follows:

22 (b) Subsection (a) does not affect the authority a
23 municipality has under another law to:

24 (1) require residents or public employees to be armed
25 for personal or national defense, law enforcement, or another
26 lawful purpose;

27 (2) regulate the discharge of firearms or air guns

1 within the limits of the municipality, other than at a sport
2 shooting range;

3 (3) regulate the use of property, the location of a
4 business, or uses at a business under the municipality's fire code,
5 zoning ordinance, or land-use regulations as long as the code,
6 ordinance, or regulations are not used to circumvent the intent of
7 Subsection (a) or Subdivision (5) of this subsection;

8 (4) regulate the use of firearms or air guns in the
9 case of an insurrection, riot, or natural disaster if the
10 municipality finds the regulations necessary to protect public
11 health and safety;

12 (5) regulate the storage or transportation of
13 explosives to protect public health and safety, except that 25
14 pounds or less of black powder for each private residence and 50
15 pounds or less of black powder for each retail dealer are not
16 subject to regulation;

17 (6) regulate the carrying of a firearm or air gun by a
18 person other than a person licensed to carry a concealed or
19 unconcealed handgun under Subchapter H, Chapter 411, Government
20 Code, at a:

21 (A) public park;

22 (B) public meeting of a municipality, county, or
23 other governmental body;

24 (C) political rally, parade, or official
25 political meeting; or

26 (D) nonfirearms-related school, college, or
27 professional athletic event;

1 (7) regulate the hours of operation of a sport
2 shooting range, except that the hours of operation may not be more
3 limited than the least limited hours of operation of any other
4 business in the municipality other than a business permitted or
5 licensed to sell or serve alcoholic beverages for on-premises
6 consumption; or

7 (8) regulate the carrying of an air gun by a minor on:

8 (A) public property; or

9 (B) private property without consent of the
10 property owner.

11 SECTION 36. The heading to Section [1701.260](#), Occupations
12 Code, is amended to read as follows:

13 Sec. 1701.260. TRAINING FOR HOLDERS OF LICENSE TO CARRY
14 CONCEALED OR UNCONCEALED HANDGUN; CERTIFICATION OF ELIGIBILITY FOR
15 APPOINTMENT AS SCHOOL MARSHAL.

16 SECTION 37. Sections [1701.260](#)(a) and (i), Occupations Code,
17 are amended to read as follows:

18 (a) The commission shall establish and maintain a training
19 program open to any employee of a school district or
20 open-enrollment charter school who holds a license to carry a
21 concealed or unconcealed handgun issued under Subchapter H, Chapter
22 411, Government Code. The training may be conducted only by the
23 commission staff or a provider approved by the commission.

24 (i) The commission shall revoke a person's school marshal
25 license if the commission is notified by the Department of Public
26 Safety that the person's license to carry a concealed or
27 unconcealed handgun issued under Subchapter H, Chapter 411,

1 Government Code, has been suspended or revoked. A person whose
2 school marshal license is revoked may obtain recertification by:

3 (1) furnishing proof to the commission that the
4 person's [~~concealed handgun~~] license to carry a concealed or
5 unconcealed handgun has been reinstated; and

6 (2) completing the initial training under Subsection
7 (c) to the satisfaction of the commission staff, paying the fee for
8 the training, and demonstrating psychological fitness on the
9 psychological examination described in Subsection (d).

10 SECTION 38. Sections 62.082(d) and (e), Parks and Wildlife
11 Code, are amended to read as follows:

12 (d) Section 62.081 does not apply to:

13 (1) an employee of the Lower Colorado River Authority;

14 (2) a person authorized to hunt under Subsection (c);

15 (3) a peace officer as defined by Article 2.12, Code of
16 Criminal Procedure; or

17 (4) a person who:

18 (A) possesses a [~~concealed~~] handgun, regardless
19 of whether the handgun is carried in a concealed or unconcealed
20 manner, and a license issued under Subchapter H, Chapter 411,
21 Government Code, to carry a concealed or unconcealed handgun; or

22 (B) under circumstances in which the person would
23 be justified in the use of deadly force under Chapter 9, Penal Code,
24 shoots a handgun the person is licensed to carry under Subchapter H,
25 Chapter 411, Government Code.

26 (e) A state agency, including the department, the
27 Department of Public Safety, and the Lower Colorado River

1 Authority, may not adopt a rule that prohibits a person who
2 possesses a license issued under Subchapter H, Chapter 411,
3 Government Code, from entering or crossing the land of the Lower
4 Colorado River Authority while:

5 (1) possessing a [~~concealed~~] handgun, regardless of
6 whether the handgun is carried in a concealed or unconcealed
7 manner; or

8 (2) under circumstances in which the person would be
9 justified in the use of deadly force under Chapter 9, Penal Code,
10 shooting a handgun.

11 SECTION 39. Section 284.001(e), Parks and Wildlife Code, is
12 amended to read as follows:

13 (e) This section does not limit the ability of a license
14 holder to carry a concealed or unconcealed handgun under the
15 authority of Subchapter H, Chapter 411, Government Code.

16 SECTION 40. Section 30.05(f), Penal Code, is amended to
17 read as follows:

18 (f) It is a defense to prosecution under this section that:

19 (1) the basis on which entry on the property or land or
20 in the building was forbidden is that entry with a handgun was
21 forbidden; and

22 (2) the person was carrying a [~~concealed~~] handgun,
23 regardless of whether the handgun was carried in a concealed or
24 unconcealed manner, and a license issued under Subchapter H,
25 Chapter 411, Government Code, to carry a concealed or unconcealed
26 handgun.

27 SECTION 41. The heading to Section 30.06, Penal Code, is

1 amended to read as follows:

2 Sec. 30.06. TRESPASS BY HOLDER OF LICENSE TO CARRY
3 CONCEALED OR UNCONCEALED HANDGUN.

4 SECTION 42. Section 30.06, Penal Code, is amended by
5 amending Subsections (a), (b), and (c) and adding Subsections (a-1)
6 and (b-1) to read as follows:

7 (a) A license holder commits an offense if the license
8 holder:

9 (1) carries a handgun in a concealed manner under the
10 authority of Subchapter H, Chapter 411, Government Code, on
11 property of another without effective consent; and

12 (2) received notice that:

13 (A) entry on the property by a license holder
14 with a concealed handgun or with any handgun, regardless of whether
15 concealed or not, was forbidden; or

16 (B) remaining on the property with a concealed
17 handgun or with any handgun, regardless of whether concealed or
18 not, was forbidden and failed to depart.

19 (a-1) A license holder commits an offense if the license
20 holder:

21 (1) carries a handgun in an unconcealed manner under
22 the authority of Subchapter H, Chapter 411, Government Code, on
23 property of another without effective consent; and

24 (2) received notice that:

25 (A) entry on the property by a license holder
26 with an unconcealed handgun or with any handgun, regardless of
27 whether concealed or not, was forbidden; or

1 (B) remaining on the property with an unconcealed
2 handgun or with any handgun, regardless of whether concealed or
3 not, was forbidden and failed to depart.

4 (b) For purposes of Subsection (a) [~~this section~~], a person
5 receives notice if the owner of the property or someone with
6 apparent authority to act for the owner provides notice to the
7 person by oral communication or written communication that must
8 consist of:

9 (1) a card or other document on which is written
10 language indicating that pursuant to Section 30.06, Penal Code
11 (trespass by holder of license to carry a concealed or unconcealed
12 handgun), a person licensed under Subchapter H, Chapter 411,
13 Government Code, may not enter the property with a concealed
14 handgun or with any handgun, whether concealed or not, as
15 applicable; or

16 (2) a sign posted on the property that:

17 (A) includes the language described by
18 Subdivision (1) of this subsection in both English and Spanish;

19 (B) appears in contrasting colors with block
20 letters at least one inch in height; and

21 (C) is displayed in a conspicuous manner clearly
22 visible to the public.

23 (b-1) For purposes of Subsection (a-1), a person receives
24 notice if the owner of the property or someone with apparent
25 authority to act for the owner provides notice to the person by oral
26 communication or written communication that must consist of:

27 (1) the written communication described by Subsection

1 (b)(1), except that the communication must indicate that a license
2 holder may not enter the property with an unconcealed handgun or
3 with any handgun, whether concealed or not, as applicable; or

4 (2) a sign described by Subsection (b)(2), except that
5 the sign must include the language described by Subdivision (1) of
6 this subsection.

7 (c) In this section:

8 (1) "Entry" has the meaning assigned by Section
9 30.05(b).

10 (2) "License holder" has the meaning assigned by
11 Section 46.035(f).

12 [~~(3) "Written communication" means:~~

13 [~~(A) a card or other document on which is written~~
14 ~~language identical to the following: "Pursuant to Section 30.06,~~
15 ~~Penal Code (trespass by holder of license to carry a concealed~~
16 ~~handgun), a person licensed under Subchapter H, Chapter 411,~~
17 ~~Government Code (concealed handgun law), may not enter this~~
18 ~~property with a concealed handgun"; or~~

19 [~~(B) a sign posted on the property that:~~

20 [~~(i) includes the language described by~~
21 ~~Paragraph (A) in both English and Spanish;~~

22 [~~(ii) appears in contrasting colors with~~
23 ~~block letters at least one inch in height; and~~

24 [~~(iii) is displayed in a conspicuous manner~~
25 ~~clearly visible to the public.]~~

26 SECTION 43. Section 46.02(a-1), Penal Code, is amended to
27 read as follows:

1 (a-1) A person commits an offense if the person
2 intentionally, knowingly, or recklessly carries on or about his or
3 her person a handgun in a motor vehicle or watercraft that is owned
4 by the person or under the person's control at any time in which:

5 (1) the handgun is in plain view, unless the handgun is
6 carried on the person in an unconcealed manner and the person is
7 licensed to carry a handgun under Subchapter H, Chapter 411,
8 Government Code; or

9 (2) the person is:

10 (A) engaged in criminal activity, other than a
11 Class C misdemeanor that is a violation of a law or ordinance
12 regulating traffic or boating;

13 (B) prohibited by law from possessing a firearm;
14 or

15 (C) a member of a criminal street gang, as
16 defined by Section 71.01.

17 SECTION 44. Section 46.03(f), Penal Code, is amended to
18 read as follows:

19 (f) It is not a defense to prosecution under this section
20 that the actor possessed a handgun, regardless of whether the
21 handgun was carried in a concealed or unconcealed manner, and was
22 licensed to carry a concealed or unconcealed handgun under
23 Subchapter H, Chapter 411, Government Code.

24 SECTION 45. Sections 46.035(a), (b), (c), and (d), Penal
25 Code, are amended to read as follows:

26 (a) A license holder commits an offense if the license
27 holder carries a handgun on or about the license holder's person

1 under the authority of Subchapter H, Chapter 411, Government Code,
2 and intentionally displays the handgun in plain view of another
3 person in a public place, unless the license holder is carrying the
4 handgun in a shoulder or belt holster with at least dual points of
5 resistance.

6 (b) A license holder commits an offense if the license
7 holder intentionally, knowingly, or recklessly carries a handgun
8 under the authority of Subchapter H, Chapter 411, Government Code,
9 regardless of whether the handgun is concealed or carried in a
10 shoulder or belt holster with at least dual points of resistance, on
11 or about the license holder's person:

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

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

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

23 (4) on the premises of a hospital licensed under
24 Chapter 241, Health and Safety Code, or on the premises of a nursing
25 home licensed under Chapter 242, Health and Safety Code, unless the
26 license holder has written authorization of the hospital or nursing
27 home administration, as appropriate;

1 (5) in an amusement park; or

2 (6) on the premises of a church, synagogue, or other
3 established place of religious worship.

4 (c) A license holder commits an offense if the license
5 holder intentionally, knowingly, or recklessly carries a handgun
6 under the authority of Subchapter H, Chapter 411, Government Code,
7 regardless of whether the handgun is concealed or carried in a
8 shoulder or belt holster with at least dual points of resistance, at
9 any meeting of a governmental entity.

10 (d) A license holder commits an offense if, while
11 intoxicated, the license holder carries a handgun under the
12 authority of Subchapter H, Chapter 411, Government Code, regardless
13 of whether the handgun is concealed or carried in a shoulder or belt
14 holster with at least dual points of resistance.

15 SECTION 46. Sections 46.15(a) and (b), Penal Code, are
16 amended to read as follows:

17 (a) Sections 46.02 and 46.03 do not apply to:

18 (1) peace officers or special investigators under
19 Article 2.122, Code of Criminal Procedure, and neither section
20 prohibits a peace officer or special investigator from carrying a
21 weapon in this state, including in an establishment in this state
22 serving the public, regardless of whether the peace officer or
23 special investigator is engaged in the actual discharge of the
24 officer's or investigator's duties while carrying the weapon;

25 (2) parole officers and neither section prohibits an
26 officer from carrying a weapon in this state if the officer is:

27 (A) engaged in the actual discharge of the

1 officer's duties while carrying the weapon; and

2 (B) in compliance with policies and procedures
3 adopted by the Texas Department of Criminal Justice regarding the
4 possession of a weapon by an officer while on duty;

5 (3) community supervision and corrections department
6 officers appointed or employed under Section 76.004, Government
7 Code, and neither section prohibits an officer from carrying a
8 weapon in this state if the officer is:

9 (A) engaged in the actual discharge of the
10 officer's duties while carrying the weapon; and

11 (B) authorized to carry a weapon under Section
12 76.0051, Government Code;

13 (4) an active judicial officer as defined by Section
14 411.201, Government Code, who is licensed to carry a concealed or
15 unconcealed handgun under Subchapter H, Chapter 411, Government
16 Code;

17 (5) an honorably retired peace officer, qualified
18 retired law enforcement officer, federal criminal investigator, or
19 former reserve law enforcement officer who holds a certificate of
20 proficiency issued under Section 1701.357, Occupations Code, and is
21 carrying a photo identification that is issued by a federal, state,
22 or local law enforcement agency, as applicable, and that verifies
23 that the officer is:

24 (A) an honorably retired peace officer;

25 (B) a qualified retired law enforcement officer;

26 (C) a federal criminal investigator; or

27 (D) a former reserve law enforcement officer who

1 has served in that capacity not less than a total of 15 years with
2 one or more state or local law enforcement agencies;

3 (6) a district attorney, criminal district attorney,
4 county attorney, or municipal attorney who is licensed to carry a
5 concealed or unconcealed handgun under Subchapter H, Chapter 411,
6 Government Code;

7 (7) an assistant district attorney, assistant
8 criminal district attorney, or assistant county attorney who is
9 licensed to carry a concealed or unconcealed handgun under
10 Subchapter H, Chapter 411, Government Code;

11 (8) a bailiff designated by an active judicial officer
12 as defined by Section 411.201, Government Code, who is:

13 (A) licensed to carry a concealed or unconcealed
14 handgun under Chapter 411, Government Code; and

15 (B) engaged in escorting the judicial officer; or

16 (9) a juvenile probation officer who is authorized to
17 carry a firearm under Section 142.006, Human Resources Code.

18 (b) Section 46.02 does not apply to a person who:

19 (1) is in the actual discharge of official duties as a
20 member of the armed forces or state military forces as defined by
21 Section 437.001, Government Code, or as a guard employed by a penal
22 institution;

23 (2) is traveling;

24 (3) is engaging in lawful hunting, fishing, or other
25 sporting activity on the immediate premises where the activity is
26 conducted, or is en route between the premises and the actor's
27 residence, motor vehicle, or watercraft, if the weapon is a type

1 commonly used in the activity;

2 (4) holds a security officer commission issued by the
3 Texas Private Security Board, if the person is engaged in the
4 performance of the person's duties as an officer commissioned under
5 Chapter 1702, Occupations Code, or is traveling to or from the
6 person's place of assignment and is wearing the officer's uniform
7 and carrying the officer's weapon in plain view;

8 (5) acts as a personal protection officer and carries
9 the person's security officer commission and personal protection
10 officer authorization, if the person:

11 (A) is engaged in the performance of the person's
12 duties as a personal protection officer under Chapter 1702,
13 Occupations Code, or is traveling to or from the person's place of
14 assignment; and

15 (B) is either:

16 (i) wearing the uniform of a security
17 officer, including any uniform or apparel described by Section
18 [1702.323\(d\)](#), Occupations Code, and carrying the officer's weapon in
19 plain view; or

20 (ii) not wearing the uniform of a security
21 officer and carrying the officer's weapon in a concealed manner or
22 in an unconcealed manner but in a shoulder or belt holster with at
23 least dual points of resistance;

24 (6) is carrying a ~~concealed~~ handgun, regardless of
25 whether the handgun is carried in a concealed or unconcealed
26 manner, and a valid license issued under Subchapter H, Chapter 411,
27 Government Code, to carry a concealed or unconcealed handgun;

1 (7) holds an alcoholic beverage permit or license or
2 is an employee of a holder of an alcoholic beverage permit or
3 license if the person is supervising the operation of the permitted
4 or licensed premises; or

5 (8) is a student in a law enforcement class engaging in
6 an activity required as part of the class, if the weapon is a type
7 commonly used in the activity and the person is:

8 (A) on the immediate premises where the activity
9 is conducted; or

10 (B) en route between those premises and the
11 person's residence and is carrying the weapon unloaded.

12 SECTION 47. The change in law made by this Act relating to
13 the authority of a license holder to carry an unconcealed handgun
14 applies to the carrying of a handgun on or after the effective date
15 of this Act by any person who:

16 (1) holds a license issued under Subchapter H, Chapter
17 411, Government Code, regardless of whether the person's license
18 was issued before, on, or after the effective date of this Act; or

19 (2) applies for the issuance of a license under that
20 subchapter, regardless of whether the person applied for the
21 license before, on, or after the effective date of this Act.

22 SECTION 48. The changes in law made by this Act to Sections
23 [30.05](#), [30.06](#), [46.02](#), [46.03](#), [46.035](#), and [46.15](#), Penal Code, apply
24 only to an offense committed on or after the effective date of this
25 Act. An offense committed before the effective date of this Act is
26 governed by the law in effect when the offense was committed, and
27 the former law is continued in effect for that purpose. For

1 purposes of this section, an offense was committed before the
2 effective date of this Act if any element of the offense occurred
3 before that date.

4 SECTION 49. Except as otherwise provided by this Act, this
5 Act takes effect September 1, 2015.