

By: Keough

H.B. No. 805

A BILL TO BE ENTITLED

AN ACT

relating to authorizing a license holder to carry a concealed handgun on certain premises.

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

SECTION 1. Section 30.06(e), Penal Code, is amended to read as follows:

(e) It is an exception to the application of this section that the property on which the license holder carries a handgun:

(1) is owned or leased by a governmental entity or any other entity that receives public money; and

(2) is not a premises or other place on which the license holder is prohibited from carrying the handgun under Section 46.03 or 46.035.

SECTION 2. Section 46.03, Penal Code, is amended by amending Subsection (f) and adding Subsection (f-1) to read as follows:

(f) It is not a defense to prosecution under Subsection (a)(2), (5), or (6) [this section] that the actor possessed a handgun and was licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code.

(f-1) It is a defense to prosecution under Subsection (a)(1), (3), or (4) that:

(1) the actor possessed a handgun and was licensed to carry a concealed handgun under Subchapter H, Chapter 411,

1 Government Code; and

2 (2) the premises or other place on which the handgun
3 was possessed is owned or leased by a governmental entity or any
4 other entity that receives public money.

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

7 (1) It is a defense to prosecution under Subsection (b)(2),
8 (4), (5), or (6) that the premises or other place on which the
9 handgun was possessed is owned or leased by a governmental entity or
10 any other entity that receives public money.

11 SECTION 4. Section 52.062(b), Labor Code, is amended to
12 read as follows:

13 (b) Section 52.061 does not affect any right under state law
14 of [~~prohibit~~] an employer to prohibit [~~from prohibiting~~] an
15 employee who holds a license to carry a concealed handgun under
16 Subchapter H, Chapter 411, Government Code, or who otherwise
17 lawfully possesses a firearm, from possessing a firearm the
18 employee is otherwise authorized by law to possess on the premises
19 of the employer's business. In this subsection, "premises" has the
20 meaning assigned by Section 46.035(f)(3), Penal Code.

21 SECTION 5. Section 411.203, Government Code, is amended to
22 read as follows:

23 Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does
24 not prevent or otherwise limit any [~~the~~] right under state law of a
25 public or private employer to prohibit persons who are licensed
26 under this subchapter from carrying a concealed handgun on the
27 premises of the business. In this section, "premises" has the

1 meaning assigned by Section 46.035(f)(3), Penal Code.

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

10 SECTION 7. This Act takes effect September 1, 2015.