

By: Phillips, Flynn, White of Tyler, Riddle,
Guillen, et al.

H.B. No. 910

Substitute the following for H.B. No. 910:

By: Phillips

C.S.H.B. No. 910

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of a person who is licensed to carry a
3 handgun to openly carry a holstered handgun; creating a criminal
4 offense; providing penalties; amending provisions subject to a
5 criminal penalty.

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

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

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

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

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

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

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

3 (B) the person is wearing a distinctive uniform;
4 and

5 (C) the weapon is in plain view;

6 (2) who is a peace officer;

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

9 (4) who possesses a ~~[concealed]~~ handgun the person is
10 licensed to carry under Subchapter H, Chapter 411, Government Code,
11 unless the person is on the premises of a business described by
12 Section 46.035(b)(1), Penal Code.

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

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

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

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

1 possess a firearm in a building on the licensed premises. This
2 subsection does not apply to a person:

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

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

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

9 (C) the weapon is in plain view;

10 (2) who is a peace officer;

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

13 (4) who possesses a ~~concealed~~ handgun the person is
14 licensed to carry under Subchapter H, Chapter 411, Government Code,
15 unless the person is on the premises of a business described by
16 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~~ handgun issued under Section 411.177,
21 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~~ handgun issued under
26 Subchapter H, Chapter 411, Government Code, that is held by the
27 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~~ handgun shall
7 immediately send a copy of the order to the appropriate division of
8 the Department of Public Safety at its Austin headquarters. On
9 receipt of the order suspending the license, the department shall:

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

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

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

16 SECTION 8. Section 37.0811(f), Education Code, is amended
17 to read as follows:

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

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

22 (2) suspension or revocation of the employee's license
23 to carry a ~~concealed~~ handgun issued under Subchapter H, Chapter
24 411, Government Code;

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

27 (4) notice from the board of trustees of the district

1 or the governing body of the charter school that the employee's
2 services as school marshal are no longer required.

3 SECTION 9. Section 63.0101, Election Code, is amended to
4 read as follows:

5 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.
6 The following documentation is an acceptable form of photo
7 identification under this chapter:

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

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

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

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

20 (5) a license to carry a ~~concealed~~ handgun issued to
21 the person by the Department of Public Safety that has not expired
22 or that expired no earlier than 60 days before the date of
23 presentation.

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

26 (b) The proof must be established by:

27 (1) a driver's license or identification card issued

1 by this state, another state, or a Canadian province that is current
2 or has expired not more than two years preceding the date the
3 identification is submitted to the county clerk in connection with
4 an application for a license;

5 (2) a United States passport;

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

8 (4) an unexpired Certificate of United States
9 Citizenship, Certificate of Naturalization, United States Citizen
10 Identification Card, Permanent Resident Card, Temporary Resident
11 Card, Employment Authorization Card, or other document issued by
12 the federal Department of Homeland Security or the United States
13 Department of State including an identification photograph;

14 (5) an unexpired military identification card for
15 active duty, reserve, or retired personnel with an identification
16 photograph;

17 (6) an original or certified copy of a birth
18 certificate issued by a bureau of vital statistics for a state or a
19 foreign government;

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

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

25 (9) school records from a secondary school or
26 institution of higher education;

27 (10) an insurance policy continuously valid for the

1 two years preceding the date of the application for a license;

2 (11) a motor vehicle certificate of title;

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

5 (13) an unexpired military dependent identification
6 card;

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

9 (15) a voter registration certificate;

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

12 (17) a license to carry a [~~concealed~~] handgun under
13 Subchapter H, Chapter 411, Government Code;

14 (18) a temporary driving permit or a temporary
15 identification card issued by the Department of Public Safety; or

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

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

20 (m) On request of the Department of Public Safety, a
21 juvenile court shall reopen and allow the department to inspect the
22 files and records of the juvenile court relating to an applicant for
23 a license to carry a [~~concealed~~] handgun under Subchapter H,
24 Chapter 411, Government Code.

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

27 (d) In a protective order, the court shall suspend a license

1 to carry a [~~concealed~~] handgun issued under Subchapter H, Chapter
2 411, Government Code, that is held by a person found to have
3 committed family violence.

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

6 (e) The clerk of the court issuing an original or modified
7 protective order under Section 85.022 that suspends a license to
8 carry a [~~concealed~~] handgun shall send a copy of the order to the
9 appropriate division of the Department of Public Safety at its
10 Austin headquarters. On receipt of the order suspending the
11 license, the department shall:

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

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

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

18 SECTION 14. The heading to Section 411.047, Government
19 Code, is amended to read as follows:

20 Sec. 411.047. REPORTING RELATED TO CERTAIN [~~CONCEALED~~]
21 HANDGUN INCIDENTS INVOLVING LICENSE HOLDERS.

22 SECTION 15. Section 411.0625, Government Code, is amended
23 to read as follows:

24 Sec. 411.0625. PASS FOR EXPEDITED ACCESS TO CAPITOL. (a)
25 The department shall allow a person to enter the Capitol and the
26 Capitol Extension, including any public space in the Capitol or
27 Capitol Extension, in the same manner as the department allows

1 entry to a person who presents a [~~concealed handgun~~] license to
2 carry a handgun under Subchapter H if the person:

3 (1) obtains from the department a Capitol access pass;
4 and

5 (2) presents the pass to the appropriate law
6 enforcement official when entering the building or a space within
7 the building.

8 (b) To be eligible for a Capitol access pass, a person must
9 meet the eligibility requirements applicable to a license to carry
10 a [~~concealed~~] handgun under Subchapter H, other than requirements
11 regarding evidence of handgun proficiency.

12 (c) The department shall adopt rules to establish a
13 procedure by which a resident of the state may apply for and be
14 issued a Capitol access pass. Rules adopted under this section must
15 include provisions for eligibility, application, approval,
16 issuance, and renewal that:

17 (1) require the department to conduct the same
18 background check on an applicant for a Capitol access pass that is
19 conducted on an applicant for a [~~concealed handgun~~] license to
20 carry a handgun under Subchapter H;

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

23 (3) establish application and renewal fees in amounts
24 sufficient to cover the cost of administering this section, not to
25 exceed the amounts of similar fees required under Section 411.174
26 for a [~~concealed handgun~~] license to carry a handgun [~~under Section~~
27 411.174].

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

3 SUBCHAPTER H. LICENSE TO CARRY A ~~[CONCEALED]~~ HANDGUN

4 SECTION 17. Sections 411.172(a), (b-1), (g), and (h),
5 Government Code, are amended to read as follows:

6 (a) A person is eligible for a license to carry a
7 ~~[concealed]~~ handgun if the person:

8 (1) is a legal resident of this state for the six-month
9 period preceding the date of application under this subchapter or
10 is otherwise eligible for a license under Section 411.173(a);

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

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

13 (4) is not charged with the commission of a Class A or
14 Class B misdemeanor or equivalent offense, or of an offense under
15 Section 42.01, Penal Code, or equivalent offense, or of a felony
16 under an information or indictment;

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

19 (6) is not a chemically dependent person;

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

22 (8) has not, in the five years preceding the date of
23 application, been convicted of a Class A or Class B misdemeanor or
24 equivalent offense or of an offense under Section 42.01, Penal
25 Code, or equivalent offense;

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

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

4 (11) has not been finally determined to be delinquent
5 in the payment of a tax or other money collected by the comptroller,
6 the tax collector of a political subdivision of the state, or any
7 agency or subdivision of the state;

8 (12) is not currently restricted under a court
9 protective order or subject to a restraining order affecting the
10 spousal relationship, other than a restraining order solely
11 affecting property interests;

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

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

18 (b-1) An offense is not considered a felony for purposes of
19 Subsection (b) if, at the time of a person's application for a
20 license to carry a ~~concealed~~ handgun, the offense:

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

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

25 (g) Notwithstanding Subsection (a)(2), a person who is at
26 least 18 years of age but not yet 21 years of age is eligible for a
27 license to carry a ~~concealed~~ handgun if the person:

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

4 (2) was discharged under honorable conditions, if
5 discharged from the United States armed forces, reserves, or
6 national guard; and

7 (3) meets the other eligibility requirements of
8 Subsection (a) except for the minimum age required by federal law to
9 purchase a handgun.

10 (h) The issuance of a license to carry a ~~concealed~~ handgun
11 to a person eligible under Subsection (g) does not affect the
12 person's ability to purchase a handgun or ammunition under federal
13 law.

14 SECTION 18. Section [411.173\(b\)](#), Government Code, is amended
15 to read as follows:

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

1 Investigation.

2 SECTION 19. Section 411.174(a), Government Code, is amended
3 to read as follows:

4 (a) An applicant for a license to carry a [~~concealed~~]
5 handgun must submit to the director's designee described by Section
6 411.176:

7 (1) a completed application on a form provided by the
8 department that requires only the information listed in Subsection
9 (b);

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

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

14 (4) proof of residency in this state;

15 (5) two complete sets of legible and classifiable
16 fingerprints of the applicant taken by a person appropriately
17 trained in recording fingerprints who is employed by a law
18 enforcement agency or by a private entity designated by a law
19 enforcement agency as an entity qualified to take fingerprints of
20 an applicant for a license under this subchapter;

21 (6) a nonrefundable application and license fee of
22 \$140 paid to the department;

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

25 (8) an affidavit signed by the applicant stating that
26 the applicant:

27 (A) has read and understands each provision of

1 this subchapter that creates an offense under the laws of this state
2 and each provision of the laws of this state related to use of
3 deadly force; and

4 (B) fulfills all the eligibility requirements
5 listed under Section 411.172; and

6 (9) a form executed by the applicant that authorizes
7 the director to make an inquiry into any noncriminal history
8 records that are necessary to determine the applicant's eligibility
9 for a license under Section 411.172(a).

10 SECTION 20. Section 411.177(a), Government Code, is amended
11 to read as follows:

12 (a) The department shall issue a license to carry a
13 ~~[concealed]~~ handgun to an applicant if the applicant meets all the
14 eligibility requirements and submits all the application
15 materials. The department shall administer the licensing
16 procedures in good faith so that any applicant who meets all the
17 eligibility requirements and submits all the application materials
18 shall receive a license. The department may not deny an application
19 on the basis of a capricious or arbitrary decision by the
20 department.

21 SECTION 21. Section 411.185(c), Government Code, is amended
22 to read as follows:

23 (c) The director by rule shall adopt an informational form
24 that describes state law regarding the use of deadly force and the
25 places where it is unlawful for the holder of a license issued under
26 this subchapter to carry a ~~[concealed]~~ handgun. An applicant for a
27 renewed license must sign and return the informational form to the

1 department by mail or acknowledge the form electronically on the
2 Internet according to the procedure adopted under Subsection (f).

3 SECTION 22. Sections 411.188(b) and (g), Government Code,
4 are amended to read as follows:

5 (b) Only qualified handgun instructors may administer the
6 classroom instruction part or the range instruction part of the
7 handgun proficiency course. The classroom instruction part of the
8 course must include not less than four hours and not more than six
9 hours of instruction on:

10 (1) the laws that relate to weapons and to the use of
11 deadly force;

12 (2) handgun use and safety, including use of restraint
13 holsters and methods to ensure the secure carrying of openly
14 carried handguns;

15 (3) nonviolent dispute resolution; and

16 (4) proper storage practices for handguns with an
17 emphasis on storage practices that eliminate the possibility of
18 accidental injury to a child.

19 (g) A person who wishes to obtain a license to carry a
20 ~~concealed~~ handgun must apply in person to a qualified handgun
21 instructor to take the appropriate course in handgun proficiency
22 and demonstrate handgun proficiency as required by the department.

23 SECTION 23. Sections 411.190(b), (c), and (f), Government
24 Code, are amended to read as follows:

25 (b) In addition to the qualifications described by
26 Subsection (a), a qualified handgun instructor must be qualified to
27 instruct persons in:

1 (1) the laws that relate to weapons and to the use of
2 deadly force;

3 (2) handgun use, proficiency, and safety, including
4 use of restraint holsters and methods to ensure the secure carrying
5 of openly carried handguns;

6 (3) nonviolent dispute resolution; and

7 (4) proper storage practices for handguns, including
8 storage practices that eliminate the possibility of accidental
9 injury to a child.

10 (c) In the manner applicable to a person who applies for a
11 license to carry a [~~concealed~~] handgun, the department shall
12 conduct a background check of a person who applies for
13 certification as a qualified handgun instructor. If the background
14 check indicates that the applicant for certification would not
15 qualify to receive a handgun license, the department may not
16 certify the applicant as a qualified handgun instructor. If the
17 background check indicates that the applicant for certification
18 would qualify to receive a handgun license, the department shall
19 provide handgun instructor training to the applicant. The
20 applicant shall pay a fee of \$100 to the department for the
21 training. The applicant must take and successfully complete the
22 training offered by the department and pay the training fee before
23 the department may certify the applicant as a qualified handgun
24 instructor. The department shall issue a license to carry a
25 [~~concealed~~] handgun under the authority of this subchapter to any
26 person who is certified as a qualified handgun instructor and who
27 pays to the department a fee of \$100 in addition to the training

1 fee. The department by rule may prorate or waive the training fee
2 for an employee of another governmental entity.

3 (f) If the department determines that a reason exists to
4 revoke, suspend, or deny a license to carry a ~~concealed~~ handgun
5 with respect to a person who is a qualified handgun instructor or an
6 applicant for certification as a qualified handgun instructor, the
7 department shall take that action against the person's:

8 (1) license to carry a ~~concealed~~ handgun if the
9 person is an applicant for or the holder of a license issued under
10 this subchapter; and

11 (2) certification as a qualified handgun instructor.

12 SECTION 24. Section 411.1901(c), Government Code, is
13 amended to read as follows:

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

20 SECTION 25. Section 411.198(a), Government Code, is amended
21 to read as follows:

22 (a) On written approval of the director, the department may
23 issue to a law enforcement officer an alias license to carry a
24 ~~concealed~~ handgun to be used in supervised activities involving
25 criminal investigations.

26 SECTION 26. Sections 411.201(c), (d), (e), and (h),
27 Government Code, are amended to read as follows:

1 (c) An active judicial officer is eligible for a license to
2 carry a [~~concealed~~] handgun under the authority of this subchapter.
3 A retired judicial officer is eligible for a license to carry a
4 [~~concealed~~] handgun under the authority of this subchapter if the
5 officer:

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

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

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

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

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

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

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

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

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

25 (4) evidence of handgun proficiency, in the form and
26 manner required by the department for an applicant under this
27 section;

1 (5) a nonrefundable application and license fee set by
2 the department in an amount reasonably designed to cover the
3 administrative costs associated with issuance of a license to carry
4 a [~~concealed~~] handgun under this subchapter; and

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

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

12 (1) if the applicant is an active judicial officer,
13 issue a license to carry a [~~concealed~~] handgun under the authority
14 of this subchapter; or

15 (2) if the applicant is a retired judicial officer,
16 conduct an appropriate background investigation to determine the
17 applicant's eligibility for the license and, if the applicant is
18 eligible, issue a license to carry a [~~concealed~~] handgun under the
19 authority of this subchapter.

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

1 felony cases.

2 SECTION 27. Section 411.203, Government Code, is amended to
3 read as follows:

4 Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does
5 not prevent or otherwise limit the right of a public or private
6 employer to prohibit persons who are licensed under this subchapter
7 from carrying a [~~concealed~~] handgun on the premises of the
8 business. In this section, "premises" has the meaning assigned by
9 Section 46.035(f)(3), Penal Code.

10 SECTION 28. Section 411.2032(b), Government Code, is
11 amended to read as follows:

12 (b) An institution of higher education or private or
13 independent institution of higher education in this state may not
14 adopt or enforce any rule, regulation, or other provision or take
15 any other action, including posting notice under Section 30.06 or
16 30.07, Penal Code, prohibiting or placing restrictions on the
17 storage or transportation of a firearm or ammunition in a locked,
18 privately owned or leased motor vehicle by a person, including a
19 student enrolled at that institution, who holds a license to carry a
20 [~~concealed~~] handgun under this subchapter and lawfully possesses
21 the firearm or ammunition:

22 (1) on a street or driveway located on the campus of
23 the institution; or

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

26 SECTION 29. Section 12.092(b), Health and Safety Code, is
27 amended to read as follows:

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

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

5 (2) an applicant for or holder of a license to carry a
6 ~~[concealed]~~ handgun under the authority of Subchapter H, Chapter
7 411, Government Code, or an applicant for or holder of a commission
8 as a security officer under Chapter 1702, Occupations Code, is
9 capable of exercising sound judgment with respect to the proper use
10 and storage of a handgun.

11 SECTION 30. Sections [52.061](#) and [52.062](#), Labor Code, are
12 amended to read as follows:

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

22 Sec. 52.062. EXCEPTIONS. (a) Section [52.061](#) does not:

23 (1) authorize a person who holds a license to carry a
24 ~~[concealed]~~ handgun under Subchapter H, Chapter 411, Government
25 Code, who otherwise lawfully possesses a firearm, or who lawfully
26 possesses ammunition to possess a firearm or ammunition on any
27 property where the possession of a firearm or ammunition is

1 prohibited by state or federal law; or

2 (2) apply to:

3 (A) a vehicle owned or leased by a public or
4 private employer and used by an employee in the course and scope of
5 the employee's employment, unless the employee is required to
6 transport or store a firearm in the official discharge of the
7 employee's duties;

8 (B) a school district;

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

11 (D) a private school, as defined by Section
12 22.081, Education Code;

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

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

1 restricted area:

- 2 (i) that contains the physical plant;
- 3 (ii) that is not open to the public; and
- 4 (iii) the ingress into which is constantly
- 5 monitored by security personnel.

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

14 SECTION 31. (a) Section 118.011(b), Local Government Code,
 15 as effective until September 1, 2019, is amended to read as follows:

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

- 18 (1) Returned Check (Sec. 118.0215) not
 19 less than \$15 or more than \$30
- 20 (2) Records Management and Preservation Fee (Sec.
 21 118.0216) not more than
 22 \$10
- 23 (3) Mental Health Background Check for License to
 24 Carry a Handgun ~~[Concealed Weapon]~~ (Sec. 118.0217) not
 25 more than \$2

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

27 SECTION 32. (a) Section 118.011(b), Local Government Code,

1 as effective September 1, 2019, is amended to read as follows:

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

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

6 (2) Records Management and Preservation Fee (Sec.
7 118.0216) not more
8 than \$5

9 (3) Mental Health Background Check for License to
10 Carry a Handgun [~~Concealed Weapon~~] (Sec. 118.0217) not
11 more than \$2

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

13 SECTION 33. Section 118.0217(a), Local Government Code, is
14 amended to read as follows:

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

24 SECTION 34. Section 229.001(b), Local Government Code, is
25 amended to read as follows:

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

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

4 (2) regulate the discharge of firearms or air guns
5 within the limits of the municipality, other than at a sport
6 shooting range;

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

12 (4) regulate the use of firearms or air guns in the
13 case of an insurrection, riot, or natural disaster if the
14 municipality finds the regulations necessary to protect public
15 health and safety;

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

21 (6) regulate the carrying of a firearm or air gun by a
22 person other than a person licensed to carry a ~~concealed~~ handgun
23 under Subchapter H, Chapter 411, Government Code, at a:

24 (A) public park;

25 (B) public meeting of a municipality, county, or
26 other governmental body;

27 (C) political rally, parade, or official

1 political meeting; or

2 (D) nonfirearms-related school, college, or
3 professional athletic event;

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

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

11 (A) public property; or

12 (B) private property without consent of the
13 property owner.

14 SECTION 35. The heading to Section [1701.260](#), Occupations
15 Code, is amended to read as follows:

16 Sec. 1701.260. TRAINING FOR HOLDERS OF LICENSE TO CARRY A
17 ~~[CONCEALED]~~ HANDGUN; CERTIFICATION OF ELIGIBILITY FOR APPOINTMENT
18 AS SCHOOL MARSHAL.

19 SECTION 36. Sections [1701.260](#)(a) and (i), Occupations Code,
20 are amended to read as follows:

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

27 (i) The commission shall revoke a person's school marshal

1 license if the commission is notified by the Department of Public
2 Safety that the person's license to carry a [~~concealed~~] handgun
3 issued under Subchapter H, Chapter 411, Government Code, has been
4 suspended or revoked. A person whose school marshal license is
5 revoked may obtain recertification by:

6 (1) furnishing proof to the commission that the
7 person's [~~concealed~~] handgun license has been reinstated; and

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

12 SECTION 37. Section 1702.206(b), Occupations Code, is
13 amended to read as follows:

14 (b) An individual who is acting as a personal protection
15 officer and is wearing the uniform of a security officer, including
16 any uniform or apparel described by Section 1702.323(d), may not
17 conceal any firearm the individual is carrying and shall carry the
18 firearm in plain view. An individual who is acting as a personal
19 protection officer and is not wearing the uniform of a security
20 officer shall conceal the firearm, regardless of whether the
21 individual is authorized to openly carry the firearm under any
22 other law.

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

25 (d) Section 62.081 does not apply to:

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

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

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

3 (4) a person who:

4 (A) possesses a [~~concealed~~] handgun and a license
5 issued under Subchapter H, Chapter 411, Government Code, to carry a
6 [~~concealed~~] handgun; or

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

11 (e) A state agency, including the department, the
12 Department of Public Safety, and the Lower Colorado River
13 Authority, may not adopt a rule that prohibits a person who
14 possesses a license issued under Subchapter H, Chapter 411,
15 Government Code, from entering or crossing the land of the Lower
16 Colorado River Authority while:

17 (1) possessing a [~~concealed~~] handgun; or

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

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

23 (e) This section does not limit the ability of a license
24 holder to carry a [~~concealed~~] handgun under the authority of
25 Subchapter H, Chapter 411, Government Code.

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

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

2 (1) the basis on which entry on the property or land or
3 in the building was forbidden is that entry with a handgun was
4 forbidden; and

5 (2) the person was carrying:

6 (A) a [concealed handgun and a] license issued
7 under Subchapter H, Chapter 411, Government Code, to carry a
8 [concealed] handgun; and

9 (B) a handgun:

10 (i) in a concealed manner; or

11 (ii) in a shoulder or belt holster.

12 SECTION 41. The heading to Section 30.06, Penal Code, is
13 amended to read as follows:

14 Sec. 30.06. TRESPASS BY LICENSE HOLDER WITH A ~~[OF LICENSE TO~~
15 ~~CARRY]~~ CONCEALED HANDGUN.

16 SECTION 42. Section 30.06(a), Penal Code, is amended to
17 read as follows:

18 (a) A license holder commits an offense if the license
19 holder:

20 (1) carries a concealed handgun under the authority of
21 Subchapter H, Chapter 411, Government Code, on property of another
22 without effective consent; and

23 (2) received notice that:

24 (A) entry on the property by a license holder
25 with a concealed handgun was forbidden; or

26 (B) remaining on the property with a concealed
27 handgun was forbidden and failed to depart.

1 SECTION 43. Section 30.06(c)(3), Penal Code, is amended to
2 read as follows:

3 (3) "Written communication" means:

4 (A) a card or other document on which is written
5 language identical to the following: "Pursuant to Section 30.06,
6 Penal Code (trespass by license holder with [~~of license to carry~~] a
7 concealed handgun), a person licensed under Subchapter H, Chapter
8 411, Government Code ([~~concealed~~] handgun licensing law), may not
9 enter this property with a concealed handgun"; or

10 (B) a sign posted on the property that:

11 (i) includes the language described by
12 Paragraph (A) in both English and Spanish;

13 (ii) appears in contrasting colors with
14 block letters at least one inch in height; and

15 (iii) is displayed in a conspicuous manner
16 clearly visible to the public.

17 SECTION 44. Chapter 30, Penal Code, is amended by adding
18 Section 30.07 to read as follows:

19 Sec. 30.07. TRESPASS BY LICENSE HOLDER WITH AN OPENLY
20 CARRIED HANDGUN. (a) A license holder commits an offense if the
21 license holder:

22 (1) openly carries a handgun under the authority of
23 Subchapter H, Chapter 411, Government Code, on property of another
24 without effective consent; and

25 (2) received notice that:

26 (A) entry on the property by a license holder
27 openly carrying a handgun was forbidden; or

1 (B) remaining on the property while openly
2 carrying a handgun was forbidden and failed to depart.

3 (b) For purposes of this section, a person receives notice
4 if the owner of the property or someone with apparent authority to
5 act for the owner provides notice to the person by oral or written
6 communication.

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 30.07,
15 Penal Code (trespass by license holder with an openly carried
16 handgun), a person licensed under Subchapter H, Chapter 411,
17 Government Code (handgun licensing law), may not enter this
18 property with a handgun that is carried openly"; 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 at each entrance to the property.

26 (d) An offense under this section is a Class A misdemeanor.

27 (e) It is an exception to the application of this section

1 that the property on which the license holder openly carries the
2 handgun is owned or leased by a governmental entity and is not a
3 premises or other place on which the license holder is prohibited
4 from carrying the handgun under Section 46.03 or 46.035.

5 (f) It is not a defense to prosecution under this section
6 that the handgun was carried in a shoulder or belt holster.

7 SECTION 45. Section 46.02(a-1), Penal Code, is amended to
8 read as follows:

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

13 (1) the handgun is in plain view, unless the person is
14 licensed to carry a handgun under Subchapter H, Chapter 411,
15 Government Code, and the handgun is carried in a shoulder or belt
16 holster; or

17 (2) the person is:

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

21 (B) prohibited by law from possessing a firearm;
22 or

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

25 SECTION 46. Section 46.03(f), Penal Code, is amended to
26 read as follows:

27 (f) It is not a defense to prosecution under this section

1 that the actor possessed a handgun and was licensed to carry a
2 [~~concealed~~] handgun under Subchapter H, Chapter 411, Government
3 Code.

4 SECTION 47. Section 46.035, Penal Code, is amended by
5 amending Subsections (a), (b), (c), (d), (g), (h), (i), and (j) and
6 adding Subsection (a-1) to read as follows:

7 (a) A license holder commits an offense if the license
8 holder carries a handgun on or about the license holder's person
9 under the authority of Subchapter H, Chapter 411, Government Code,
10 and intentionally displays the handgun in plain view of another
11 person in a public place. It is an exception to the application of
12 this subsection that the handgun was partially or wholly visible
13 but was carried in a shoulder or belt holster by the license holder.

14 (a-1) Notwithstanding Subsection (a), a license holder
15 commits an offense if the license holder carries a partially or
16 wholly visible handgun, regardless of whether the handgun is
17 holstered, on or about the license holder's person under the
18 authority of Subchapter H, Chapter 411, Government Code, and
19 intentionally displays the handgun in plain view of another person:

20 (1) on the premises of an institution of higher
21 education or private or independent institution of higher
22 education; or

23 (2) on any public or private driveway, street,
24 sidewalk or walkway, parking lot, parking garage, or other parking
25 area of an institution of higher education or private or
26 independent institution of higher education.

27 (b) A license holder commits an offense if the license

1 holder intentionally, knowingly, or recklessly carries a handgun
2 under the authority of Subchapter H, Chapter 411, Government Code,
3 regardless of whether the handgun is concealed or carried in a
4 shoulder or belt holster, on or about the license holder's person:

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

11 (2) on the premises where a high school, collegiate,
12 or professional sporting event or interscholastic event is taking
13 place, unless the license holder is a participant in the event and a
14 handgun is used in the event;

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

16 (4) on the premises of a hospital licensed under
17 Chapter 241, Health and Safety Code, or on the premises of a nursing
18 home licensed under Chapter 242, Health and Safety Code, unless the
19 license holder has written authorization of the hospital or nursing
20 home administration, as appropriate;

21 (5) in an amusement park; or

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

24 (c) A license holder commits an offense if the license
25 holder intentionally, knowingly, or recklessly carries a handgun
26 under the authority of Subchapter H, Chapter 411, Government Code,
27 regardless of whether the handgun is concealed or carried in a

1 shoulder or belt holster, at any meeting of a governmental entity.

2 (d) A license holder commits an offense if, while
3 intoxicated, the license holder carries a handgun under the
4 authority of Subchapter H, Chapter 411, Government Code, regardless
5 of whether the handgun is concealed or carried in a shoulder or belt
6 holster.

7 (g) An offense under this section [~~Subsection (a), (b), (c),~~
8 ~~(d), or (e)~~] is a Class A misdemeanor, unless the offense is
9 committed under Subsection (b)(1) or (b)(3), in which event the
10 offense is a felony of the third degree.

11 (h) It is a defense to prosecution under Subsection (a) or
12 (a-1) that the actor, at the time of the commission of the offense,
13 displayed the handgun under circumstances in which the actor would
14 have been justified in the use of force or deadly force under
15 Chapter 9.

16 (i) Subsections (b)(4), (b)(5), (b)(6), and (c) do not apply
17 if the actor was not given effective notice under Section 30.06 or
18 30.07.

19 (j) Subsections (a), (a-1), and (b)(1) do not apply to a
20 historical reenactment performed in compliance with the rules of
21 the Texas Alcoholic Beverage Commission.

22 SECTION 48. Section 46.035(f), Penal Code, is amended by
23 adding Subdivision (1-a) to read as follows:

24 (1-a) "Institution of higher education" and "private
25 or independent institution of higher education" have the meanings
26 assigned by Section 61.003, Education Code.

27 SECTION 49. Sections 46.15(a) and (b), Penal Code, are

1 amended to read as follows:

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

3 (1) peace officers or special investigators under
4 Article 2.122, Code of Criminal Procedure, and neither section
5 prohibits a peace officer or special investigator from carrying a
6 weapon in this state, including in an establishment in this state
7 serving the public, regardless of whether the peace officer or
8 special investigator is engaged in the actual discharge of the
9 officer's or investigator's duties while carrying the weapon;

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

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

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

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

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

23 (B) authorized to carry a weapon under Section
24 76.0051, Government Code;

25 (4) an active judicial officer as defined by Section
26 411.201, Government Code, who is licensed to carry a ~~concealed~~
27 handgun under Subchapter H, Chapter 411, Government Code;

1 (5) an honorably retired peace officer, qualified
2 retired law enforcement officer, federal criminal investigator, or
3 former reserve law enforcement officer who holds a certificate of
4 proficiency issued under Section 1701.357, Occupations Code, and is
5 carrying a photo identification that is issued by a federal, state,
6 or local law enforcement agency, as applicable, and that verifies
7 that the officer is:

8 (A) an honorably retired peace officer;

9 (B) a qualified retired law enforcement officer;

10 (C) a federal criminal investigator; or

11 (D) a former reserve law enforcement officer who
12 has served in that capacity not less than a total of 15 years with
13 one or more state or local law enforcement agencies;

14 (6) a district attorney, criminal district attorney,
15 county attorney, or municipal attorney who is licensed to carry a
16 ~~concealed~~ handgun under Subchapter H, Chapter 411, Government
17 Code;

18 (7) an assistant district attorney, assistant
19 criminal district attorney, or assistant county attorney who is
20 licensed to carry a ~~concealed~~ handgun under Subchapter H, Chapter
21 411, Government Code;

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

24 (A) licensed to carry a ~~concealed~~ handgun under
25 Subchapter H, Chapter 411, Government Code; and

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

27 (9) a juvenile probation officer who is authorized to

1 carry a firearm under Section 142.006, Human Resources Code.

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

3 (1) is in the actual discharge of official duties as a
4 member of the armed forces or state military forces as defined by
5 Section 437.001, Government Code, or as a guard employed by a penal
6 institution;

7 (2) is traveling;

8 (3) is engaging in lawful hunting, fishing, or other
9 sporting activity on the immediate premises where the activity is
10 conducted, or is en route between the premises and the actor's
11 residence, motor vehicle, or watercraft, if the weapon is a type
12 commonly used in the activity;

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

19 (5) acts as a personal protection officer and carries
20 the person's security officer commission and personal protection
21 officer authorization, if the person:

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

26 (B) is either:

27 (i) wearing the uniform of a security

1 officer, including any uniform or apparel described by Section
2 [1702.323](#)(d), Occupations Code, and carrying the officer's weapon in
3 plain view; or

4 (ii) not wearing the uniform of a security
5 officer and carrying the officer's weapon in a concealed manner;

6 (6) is carrying:

7 (A) a [~~concealed handgun and a valid~~] license
8 issued under Subchapter H, Chapter 411, Government Code, to carry a
9 [~~concealed~~] handgun; and

10 (B) a handgun:

11 (i) in a concealed manner; or

12 (ii) in a shoulder or belt holster;

13 (7) holds an alcoholic beverage permit or license or
14 is an employee of a holder of an alcoholic beverage permit or
15 license if the person is supervising the operation of the permitted
16 or licensed premises; or

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

20 (A) on the immediate premises where the activity
21 is conducted; or

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

24 SECTION 50. Section [411.171](#)(3), Government Code, is
25 repealed.

26 SECTION 51. The change in law made by this Act relating to
27 the authority of a license holder to openly carry a holstered

1 handgun applies to the carrying of a handgun on or after the
2 effective date of this Act by any person who:

3 (1) holds a license issued under Subchapter H, Chapter
4 411, Government Code, regardless of whether the person's license
5 was issued before, on, or after the effective date of this Act; or

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

9 SECTION 52. The changes in law made by this Act to Sections
10 62.082 and 284.001, Parks and Wildlife Code, and to Sections 30.05,
11 30.06, 46.02, 46.03, 46.035, and 46.15, Penal Code, apply only to an
12 offense committed on or after the effective date of this Act. An
13 offense committed before the effective date of this Act is governed
14 by the law in effect on the date the offense was committed, and the
15 former law is continued in effect for that purpose. For purposes of
16 this section, an offense was committed before the effective date of
17 this Act if any element of the offense occurred before that date.

18 SECTION 53. Except as otherwise provided by this Act, this
19 Act takes effect January 1, 2016.