

1-1 By: Phillips, et al. (Senate Sponsor - Estes) H.B. No. 910  
 1-2 (In the Senate - Received from the House April 21, 2015;  
 1-3 May 6, 2015, read first time and referred to Committee on State  
 1-4 Affairs; May 19, 2015, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 7, Nays 1;  
 1-6 May 19, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Huffman	X			
1-9 Ellis		X		
1-10 Birdwell	X			
1-11 Creighton	X			
1-12 Estes	X			
1-13 Fraser	X			
1-14 Nelson	X			
1-15 Schwertner	X			
1-16 Zaffirini			X	

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 910 By: Estes

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the authority of a person who is licensed to carry a  
 1-22 handgun to openly carry a holstered handgun; creating criminal  
 1-23 offenses.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 11.041(a), Alcoholic Beverage Code, is  
 1-26 amended to read as follows:

1-27 (a) Each holder of a permit who is not otherwise required to  
 1-28 display a sign under Section 411.204, Government Code, shall  
 1-29 display in a prominent place on the permit holder's premises a sign  
 1-30 giving notice that it is unlawful for a person to carry a weapon on  
 1-31 the premises unless the weapon is a ~~concealed~~ handgun the person  
 1-32 is licensed to carry under Subchapter H, Chapter 411, Government  
 1-33 Code.

1-34 SECTION 2. Section 11.61(e), Alcoholic Beverage Code, is  
 1-35 amended to read as follows:

1-36 (e) Except as provided by Subsection (f) or (i), the  
 1-37 commission or administrator shall cancel an original or renewal  
 1-38 permit if it is found, after notice and hearing, that the permittee  
 1-39 knowingly allowed a person to possess a firearm in a building on the  
 1-40 licensed premises. This subsection does not apply to a person:

1-41 (1) who holds a security officer commission issued  
 1-42 under Chapter 1702, Occupations Code, if:

1-43 (A) the person is engaged in the performance of  
 1-44 the person's duties as a security officer;

1-45 (B) the person is wearing a distinctive uniform;  
 1-46 and

1-47 (C) the weapon is in plain view;

1-48 (2) who is a peace officer;

1-49 (3) who is a permittee or an employee of a permittee if  
 1-50 the person is supervising the operation of the premises; or

1-51 (4) who possesses a ~~concealed~~ handgun the person is  
 1-52 licensed to carry under Subchapter H, Chapter 411, Government Code,  
 1-53 unless the person is on the premises of a business described by  
 1-54 Section 46.035(b)(1), Penal Code.

1-55 SECTION 3. Section 61.11(a), Alcoholic Beverage Code, is  
 1-56 amended to read as follows:

1-57 (a) Each holder of a license who is not otherwise required  
 1-58 to display a sign under Section 411.204, Government Code, shall  
 1-59 display in a prominent place on the license holder's premises a sign  
 1-60 giving notice that it is unlawful for a person to carry a weapon on  
 1-61 the premises unless the weapon is a ~~concealed~~ handgun the person  
 1-62 is licensed to carry under Subchapter H, Chapter 411, Government  
 1-63 Code.

2-1 SECTION 4. Section 61.71(f), Alcoholic Beverage Code, is  
2-2 amended to read as follows:

2-3 (f) Except as provided by Subsection (g) or (j), the  
2-4 commission or administrator shall cancel an original or renewal  
2-5 dealer's on-premises or off-premises license if it is found, after  
2-6 notice and hearing, that the licensee knowingly allowed a person to  
2-7 possess a firearm in a building on the licensed premises. This  
2-8 subsection does not apply to a person:

2-9 (1) who holds a security officer commission issued  
2-10 under Chapter 1702, Occupations Code, if:

2-11 (A) the person is engaged in the performance of  
2-12 the person's duties as a security officer;

2-13 (B) the person is wearing a distinctive uniform;  
2-14 and

2-15 (C) the weapon is in plain view;

2-16 (2) who is a peace officer;

2-17 (3) who is a licensee or an employee of a licensee if  
2-18 the person is supervising the operation of the premises; or

2-19 (4) who possesses a ~~concealed~~ handgun the person is  
2-20 licensed to carry under Subchapter H, Chapter 411, Government Code,  
2-21 unless the person is on the premises of a business described by  
2-22 Section 46.035(b)(1), Penal Code.

2-23 SECTION 5. Article 7A.05(c), Code of Criminal Procedure, is  
2-24 amended to read as follows:

2-25 (c) In a protective order, the court may suspend a license  
2-26 to carry a ~~concealed~~ handgun issued under Section 411.177,  
2-27 Government Code, that is held by the alleged offender.

2-28 SECTION 6. Article 17.292(1), Code of Criminal Procedure,  
2-29 is amended to read as follows:

2-30 (1) In the order for emergency protection, the magistrate  
2-31 shall suspend a license to carry a ~~concealed~~ handgun issued under  
2-32 Subchapter H, Chapter 411, Government Code, that is held by the  
2-33 defendant.

2-34 SECTION 7. Article 17.293, Code of Criminal Procedure, is  
2-35 amended to read as follows:

2-36 Art. 17.293. DELIVERY OF ORDER FOR EMERGENCY PROTECTION TO  
2-37 OTHER PERSONS. The magistrate or the clerk of the magistrate's  
2-38 court issuing an order for emergency protection under Article  
2-39 17.292 that suspends a license to carry a ~~concealed~~ handgun shall  
2-40 immediately send a copy of the order to the appropriate division of  
2-41 the Department of Public Safety at its Austin headquarters. On  
2-42 receipt of the order suspending the license, the department shall:

2-43 (1) record the suspension of the license in the  
2-44 records of the department;

2-45 (2) report the suspension to local law enforcement  
2-46 agencies, as appropriate; and

2-47 (3) demand surrender of the suspended license from the  
2-48 license holder.

2-49 SECTION 8. Section 37.0811(f), Education Code, is amended  
2-50 to read as follows:

2-51 (f) A school district or charter school employee's status as  
2-52 a school marshal becomes inactive on:

2-53 (1) expiration of the employee's school marshal  
2-54 license under Section 1701.260, Occupations Code;

2-55 (2) suspension or revocation of the employee's license  
2-56 to carry a ~~concealed~~ handgun issued under Subchapter H, Chapter  
2-57 411, Government Code;

2-58 (3) termination of the employee's employment with the  
2-59 district or charter school; or

2-60 (4) notice from the board of trustees of the district  
2-61 or the governing body of the charter school that the employee's  
2-62 services as school marshal are no longer required.

2-63 SECTION 9. Section 63.0101, Election Code, is amended to  
2-64 read as follows:

2-65 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.  
2-66 The following documentation is an acceptable form of photo  
2-67 identification under this chapter:

2-68 (1) a driver's license, election identification  
2-69 certificate, or personal identification card issued to the person  
2-70 by the Department of Public Safety that has not expired or that  
2-71 expired no earlier than 60 days before the date of presentation;

3-1 (2) a United States military identification card that  
3-2 contains the person's photograph that has not expired or that  
3-3 expired no earlier than 60 days before the date of presentation;

3-4 (3) a United States citizenship certificate issued to  
3-5 the person that contains the person's photograph;

3-6 (4) a United States passport issued to the person that  
3-7 has not expired or that expired no earlier than 60 days before the  
3-8 date of presentation; or

3-9 (5) a license to carry a [~~concealed~~] handgun issued to  
3-10 the person by the Department of Public Safety that has not expired  
3-11 or that expired no earlier than 60 days before the date of  
3-12 presentation.

3-13 SECTION 10. Section 2.005(b), Family Code, is amended to  
3-14 read as follows:

3-15 (b) The proof must be established by:

3-16 (1) a driver's license or identification card issued  
3-17 by this state, another state, or a Canadian province that is current  
3-18 or has expired not more than two years preceding the date the  
3-19 identification is submitted to the county clerk in connection with  
3-20 an application for a license;

3-21 (2) a United States passport;

3-22 (3) a current passport issued by a foreign country or a  
3-23 consular document issued by a state or national government;

3-24 (4) an unexpired Certificate of United States  
3-25 Citizenship, Certificate of Naturalization, United States Citizen  
3-26 Identification Card, Permanent Resident Card, Temporary Resident  
3-27 Card, Employment Authorization Card, or other document issued by  
3-28 the federal Department of Homeland Security or the United States  
3-29 Department of State including an identification photograph;

3-30 (5) an unexpired military identification card for  
3-31 active duty, reserve, or retired personnel with an identification  
3-32 photograph;

3-33 (6) an original or certified copy of a birth  
3-34 certificate issued by a bureau of vital statistics for a state or a  
3-35 foreign government;

3-36 (7) an original or certified copy of a Consular Report  
3-37 of Birth Abroad or Certificate of Birth Abroad issued by the United  
3-38 States Department of State;

3-39 (8) an original or certified copy of a court order  
3-40 relating to the applicant's name change or sex change;

3-41 (9) school records from a secondary school or  
3-42 institution of higher education;

3-43 (10) an insurance policy continuously valid for the  
3-44 two years preceding the date of the application for a license;

3-45 (11) a motor vehicle certificate of title;

3-46 (12) military records, including documentation of  
3-47 release or discharge from active duty or a draft record;

3-48 (13) an unexpired military dependent identification  
3-49 card;

3-50 (14) an original or certified copy of the applicant's  
3-51 marriage license or divorce decree;

3-52 (15) a voter registration certificate;

3-53 (16) a pilot's license issued by the Federal Aviation  
3-54 Administration or another authorized agency of the United States;

3-55 (17) a license to carry a [~~concealed~~] handgun under  
3-56 Subchapter H, Chapter 411, Government Code;

3-57 (18) a temporary driving permit or a temporary  
3-58 identification card issued by the Department of Public Safety; or

3-59 (19) an offender identification card issued by the  
3-60 Texas Department of Criminal Justice.

3-61 SECTION 11. Section 58.003(m), Family Code, is amended to  
3-62 read as follows:

3-63 (m) On request of the Department of Public Safety, a  
3-64 juvenile court shall reopen and allow the department to inspect the  
3-65 files and records of the juvenile court relating to an applicant for  
3-66 a license to carry a [~~concealed~~] handgun under Subchapter H,  
3-67 Chapter 411, Government Code.

3-68 SECTION 12. Section 85.022(d), Family Code, is amended to  
3-69 read as follows:

3-70 (d) In a protective order, the court shall suspend a license  
3-71 to carry a [~~concealed~~] handgun issued under Subchapter H, Chapter

4-1 411, Government Code, that is held by a person found to have  
4-2 committed family violence.

4-3 SECTION 13. Section 85.042(e), Family Code, is amended to  
4-4 read as follows:

4-5 (e) The clerk of the court issuing an original or modified  
4-6 protective order under Section 85.022 that suspends a license to  
4-7 carry a ~~[concealed]~~ handgun shall send a copy of the order to the  
4-8 appropriate division of the Department of Public Safety at its  
4-9 Austin headquarters. On receipt of the order suspending the  
4-10 license, the department shall:

4-11 (1) record the suspension of the license in the  
4-12 records of the department;

4-13 (2) report the suspension to local law enforcement  
4-14 agencies, as appropriate; and

4-15 (3) demand surrender of the suspended license from the  
4-16 license holder.

4-17 SECTION 14. The heading to Section 411.047, Government  
4-18 Code, is amended to read as follows:

4-19 Sec. 411.047. REPORTING RELATED TO CERTAIN ~~[CONCEALED]~~  
4-20 HANDGUN INCIDENTS INVOLVING LICENSE HOLDERS.

4-21 SECTION 15. Section 411.0625, Government Code, is amended  
4-22 to read as follows:

4-23 Sec. 411.0625. PASS FOR EXPEDITED ACCESS TO CAPITOL. (a)  
4-24 The department shall allow a person to enter the Capitol and the  
4-25 Capitol Extension, including any public space in the Capitol or  
4-26 Capitol Extension, in the same manner as the department allows  
4-27 entry to a person who presents a ~~[concealed handgun]~~ license to  
4-28 carry a handgun under Subchapter H if the person:

4-29 (1) obtains from the department a Capitol access pass;  
4-30 and

4-31 (2) presents the pass to the appropriate law  
4-32 enforcement official when entering the building or a space within  
4-33 the building.

4-34 (b) To be eligible for a Capitol access pass, a person must  
4-35 meet the eligibility requirements applicable to a license to carry  
4-36 a ~~[concealed]~~ handgun under Subchapter H, other than requirements  
4-37 regarding evidence of handgun proficiency.

4-38 (c) The department shall adopt rules to establish a  
4-39 procedure by which a resident of the state may apply for and be  
4-40 issued a Capitol access pass. Rules adopted under this section must  
4-41 include provisions for eligibility, application, approval,  
4-42 issuance, and renewal that:

4-43 (1) require the department to conduct the same  
4-44 background check on an applicant for a Capitol access pass that is  
4-45 conducted on an applicant for a ~~[concealed handgun]~~ license to  
4-46 carry a handgun under Subchapter H;

4-47 (2) enable the department to conduct the background  
4-48 check described by Subdivision (1); and

4-49 (3) establish application and renewal fees in amounts  
4-50 sufficient to cover the cost of administering this section, not to  
4-51 exceed the amounts of similar fees required under Section 411.174  
4-52 for a ~~[concealed handgun]~~ license to carry a handgun ~~[under Section~~  
4-53 411.174].

4-54 SECTION 16. The heading to Subchapter H, Chapter 411,  
4-55 Government Code, is amended to read as follows:

4-56 SUBCHAPTER H. LICENSE TO CARRY A ~~[CONCEALED]~~ HANDGUN

4-57 SECTION 17. Sections 411.172(a), (b-1), (g), and (h),  
4-58 Government Code, are amended to read as follows:

4-59 (a) A person is eligible for a license to carry a  
4-60 ~~[concealed]~~ handgun if the person:

4-61 (1) is a legal resident of this state for the six-month  
4-62 period preceding the date of application under this subchapter or  
4-63 is otherwise eligible for a license under Section 411.173(a);

4-64 (2) is at least 21 years of age;

4-65 (3) has not been convicted of a felony;

4-66 (4) is not charged with the commission of a Class A or  
4-67 Class B misdemeanor or equivalent offense, or of an offense under  
4-68 Section 42.01, Penal Code, or equivalent offense, or of a felony  
4-69 under an information or indictment;

4-70 (5) is not a fugitive from justice for a felony or a  
4-71 Class A or Class B misdemeanor or equivalent offense;

5-1 (6) is not a chemically dependent person;  
5-2 (7) is not incapable of exercising sound judgment with  
5-3 respect to the proper use and storage of a handgun;  
5-4 (8) has not, in the five years preceding the date of  
5-5 application, been convicted of a Class A or Class B misdemeanor or  
5-6 equivalent offense or of an offense under Section 42.01, Penal  
5-7 Code, or equivalent offense;  
5-8 (9) is fully qualified under applicable federal and  
5-9 state law to purchase a handgun;  
5-10 (10) has not been finally determined to be delinquent  
5-11 in making a child support payment administered or collected by the  
5-12 attorney general;  
5-13 (11) has not been finally determined to be delinquent  
5-14 in the payment of a tax or other money collected by the comptroller,  
5-15 the tax collector of a political subdivision of the state, or any  
5-16 agency or subdivision of the state;  
5-17 (12) is not currently restricted under a court  
5-18 protective order or subject to a restraining order affecting the  
5-19 spousal relationship, other than a restraining order solely  
5-20 affecting property interests;  
5-21 (13) has not, in the 10 years preceding the date of  
5-22 application, been adjudicated as having engaged in delinquent  
5-23 conduct violating a penal law of the grade of felony; and  
5-24 (14) has not made any material misrepresentation, or  
5-25 failed to disclose any material fact, in an application submitted  
5-26 pursuant to Section 411.174.  
5-27 (b-1) An offense is not considered a felony for purposes of  
5-28 Subsection (b) if, at the time of a person's application for a  
5-29 license to carry a ~~concealed~~ handgun, the offense:  
5-30 (1) is not designated by a law of this state as a  
5-31 felony; and  
5-32 (2) does not contain all the elements of any offense  
5-33 designated by a law of this state as a felony.  
5-34 (g) Notwithstanding Subsection (a)(2), a person who is at  
5-35 least 18 years of age but not yet 21 years of age is eligible for a  
5-36 license to carry a ~~concealed~~ handgun if the person:  
5-37 (1) is a member or veteran of the United States armed  
5-38 forces, including a member or veteran of the reserves or national  
5-39 guard;  
5-40 (2) was discharged under honorable conditions, if  
5-41 discharged from the United States armed forces, reserves, or  
5-42 national guard; and  
5-43 (3) meets the other eligibility requirements of  
5-44 Subsection (a) except for the minimum age required by federal law to  
5-45 purchase a handgun.  
5-46 (h) The issuance of a license to carry a ~~concealed~~ handgun  
5-47 to a person eligible under Subsection (g) does not affect the  
5-48 person's ability to purchase a handgun or ammunition under federal  
5-49 law.  
5-50 SECTION 18. Section 411.173(b), Government Code, is amended  
5-51 to read as follows:  
5-52 (b) The governor shall negotiate an agreement with any other  
5-53 state that provides for the issuance of a license to carry a  
5-54 ~~concealed~~ handgun under which a license issued by the other state  
5-55 is recognized in this state or shall issue a proclamation that a  
5-56 license issued by the other state is recognized in this state if the  
5-57 attorney general of the State of Texas determines that a background  
5-58 check of each applicant for a license issued by that state is  
5-59 initiated by state or local authorities or an agent of the state or  
5-60 local authorities before the license is issued. For purposes of  
5-61 this subsection, "background check" means a search of the National  
5-62 Crime Information Center database and the Interstate  
5-63 Identification Index maintained by the Federal Bureau of  
5-64 Investigation.  
5-65 SECTION 19. Section 411.174(a), Government Code, is amended  
5-66 to read as follows:  
5-67 (a) An applicant for a license to carry a ~~concealed~~  
5-68 handgun must submit to the director's designee described by Section  
5-69 411.176:  
5-70 (1) a completed application on a form provided by the  
5-71 department that requires only the information listed in Subsection

6-1 (b);

6-2 (2) one or more photographs of the applicant that meet

6-3 the requirements of the department;

6-4 (3) a certified copy of the applicant's birth

6-5 certificate or certified proof of age;

6-6 (4) proof of residency in this state;

6-7 (5) two complete sets of legible and classifiable

6-8 fingerprints of the applicant taken by a person appropriately

6-9 trained in recording fingerprints who is employed by a law

6-10 enforcement agency or by a private entity designated by a law

6-11 enforcement agency as an entity qualified to take fingerprints of

6-12 an applicant for a license under this subchapter;

6-13 (6) a nonrefundable application and license fee of

6-14 \$140 paid to the department;

6-15 (7) evidence of handgun proficiency, in the form and

6-16 manner required by the department;

6-17 (8) an affidavit signed by the applicant stating that

6-18 the applicant:

6-19 (A) has read and understands each provision of

6-20 this subchapter that creates an offense under the laws of this state

6-21 and each provision of the laws of this state related to use of

6-22 deadly force; and

6-23 (B) fulfills all the eligibility requirements

6-24 listed under Section 411.172; and

6-25 (9) a form executed by the applicant that authorizes

6-26 the director to make an inquiry into any noncriminal history

6-27 records that are necessary to determine the applicant's eligibility

6-28 for a license under Section 411.172(a).

6-29 SECTION 20. Section 411.177(a), Government Code, is amended

6-30 to read as follows:

6-31 (a) The department shall issue a license to carry a

6-32 ~~concealed~~ handgun to an applicant if the applicant meets all the

6-33 eligibility requirements and submits all the application

6-34 materials. The department shall administer the licensing

6-35 procedures in good faith so that any applicant who meets all the

6-36 eligibility requirements and submits all the application materials

6-37 shall receive a license. The department may not deny an application

6-38 on the basis of a capricious or arbitrary decision by the

6-39 department.

6-40 SECTION 21. Section 411.185(c), Government Code, is amended

6-41 to read as follows:

6-42 (c) The director by rule shall adopt an informational form

6-43 that describes state law regarding the use of deadly force and the

6-44 places where it is unlawful for the holder of a license issued under

6-45 this subchapter to carry a ~~concealed~~ handgun. An applicant for a

6-46 renewed license must sign and return the informational form to the

6-47 department by mail or acknowledge the form electronically on the

6-48 Internet according to the procedure adopted under Subsection (f).

6-49 SECTION 22. Sections 411.188(b) and (g), Government Code,

6-50 are amended to read as follows:

6-51 (b) Only qualified handgun instructors may administer the

6-52 classroom instruction part or the range instruction part of the

6-53 handgun proficiency course. The classroom instruction part of the

6-54 course must include not less than four hours and not more than six

6-55 hours of instruction on:

6-56 (1) the laws that relate to weapons and to the use of

6-57 deadly force;

6-58 (2) handgun use and safety, including use of restraint

6-59 holsters and methods to ensure the secure carrying of openly

6-60 carried handguns;

6-61 (3) nonviolent dispute resolution; and

6-62 (4) proper storage practices for handguns with an

6-63 emphasis on storage practices that eliminate the possibility of

6-64 accidental injury to a child.

6-65 (g) A person who wishes to obtain a license to carry a

6-66 ~~concealed~~ handgun must apply in person to a qualified handgun

6-67 instructor to take the appropriate course in handgun proficiency

6-68 and demonstrate handgun proficiency as required by the department.

6-69 SECTION 23. Sections 411.190(b), (c), and (f), Government

6-70 Code, are amended to read as follows:

6-71 (b) In addition to the qualifications described by

7-1 Subsection (a), a qualified handgun instructor must be qualified to  
7-2 instruct persons in:

7-3 (1) the laws that relate to weapons and to the use of  
7-4 deadly force;

7-5 (2) handgun use, proficiency, and safety, including  
7-6 use of restraint holsters and methods to ensure the secure carrying  
7-7 of openly carried handguns;

7-8 (3) nonviolent dispute resolution; and

7-9 (4) proper storage practices for handguns, including  
7-10 storage practices that eliminate the possibility of accidental  
7-11 injury to a child.

7-12 (c) In the manner applicable to a person who applies for a  
7-13 license to carry a ~~concealed~~ handgun, the department shall  
7-14 conduct a background check of a person who applies for  
7-15 certification as a qualified handgun instructor. If the background  
7-16 check indicates that the applicant for certification would not  
7-17 qualify to receive a handgun license, the department may not  
7-18 certify the applicant as a qualified handgun instructor. If the  
7-19 background check indicates that the applicant for certification  
7-20 would qualify to receive a handgun license, the department shall  
7-21 provide handgun instructor training to the applicant. The  
7-22 applicant shall pay a fee of \$100 to the department for the  
7-23 training. The applicant must take and successfully complete the  
7-24 training offered by the department and pay the training fee before  
7-25 the department may certify the applicant as a qualified handgun  
7-26 instructor. The department shall issue a license to carry a  
7-27 ~~concealed~~ handgun under the authority of this subchapter to any  
7-28 person who is certified as a qualified handgun instructor and who  
7-29 pays to the department a fee of \$100 in addition to the training  
7-30 fee. The department by rule may prorate or waive the training fee  
7-31 for an employee of another governmental entity.

7-32 (f) If the department determines that a reason exists to  
7-33 revoke, suspend, or deny a license to carry a ~~concealed~~ handgun  
7-34 with respect to a person who is a qualified handgun instructor or an  
7-35 applicant for certification as a qualified handgun instructor, the  
7-36 department shall take that action against the person's:

7-37 (1) license to carry a ~~concealed~~ handgun if the  
7-38 person is an applicant for or the holder of a license issued under  
7-39 this subchapter; and

7-40 (2) certification as a qualified handgun instructor.

7-41 SECTION 24. Section 411.1901(c), Government Code, is  
7-42 amended to read as follows:

7-43 (c) A qualified handgun instructor certified in school  
7-44 safety under this section may provide school safety training,  
7-45 including instruction in the subjects listed under Subsection (a),  
7-46 to employees of a school district or an open-enrollment charter  
7-47 school who hold a license to carry a ~~concealed~~ handgun issued  
7-48 under this subchapter.

7-49 SECTION 25. Section 411.198(a), Government Code, is amended  
7-50 to read as follows:

7-51 (a) On written approval of the director, the department may  
7-52 issue to a law enforcement officer an alias license to carry a  
7-53 ~~concealed~~ handgun to be used in supervised activities involving  
7-54 criminal investigations.

7-55 SECTION 26. Sections 411.201(c), (d), (e), and (h),  
7-56 Government Code, are amended to read as follows:

7-57 (c) An active judicial officer is eligible for a license to  
7-58 carry a ~~concealed~~ handgun under the authority of this subchapter.  
7-59 A retired judicial officer is eligible for a license to carry a  
7-60 ~~concealed~~ handgun under the authority of this subchapter if the  
7-61 officer:

7-62 (1) has not been convicted of a felony;

7-63 (2) has not, in the five years preceding the date of  
7-64 application, been convicted of a Class A or Class B misdemeanor or  
7-65 equivalent offense;

7-66 (3) is not charged with the commission of a Class A or  
7-67 Class B misdemeanor or equivalent offense or of a felony under an  
7-68 information or indictment;

7-69 (4) is not a chemically dependent person; and

7-70 (5) is not a person of unsound mind.

7-71 (d) An applicant for a license who is an active or retired

8-1 judicial officer must submit to the department:

8-2 (1) a completed application, including all required  
8-3 affidavits, on a form prescribed by the department;

8-4 (2) one or more photographs of the applicant that meet  
8-5 the requirements of the department;

8-6 (3) two complete sets of legible and classifiable  
8-7 fingerprints of the applicant, including one set taken by a person  
8-8 employed by a law enforcement agency who is appropriately trained  
8-9 in recording fingerprints;

8-10 (4) evidence of handgun proficiency, in the form and  
8-11 manner required by the department for an applicant under this  
8-12 section;

8-13 (5) a nonrefundable application and license fee set by  
8-14 the department in an amount reasonably designed to cover the  
8-15 administrative costs associated with issuance of a license to carry  
8-16 a ~~concealed~~ handgun under this subchapter; and

8-17 (6) if the applicant is a retired judicial officer, a  
8-18 form executed by the applicant that authorizes the department to  
8-19 make an inquiry into any noncriminal history records that are  
8-20 necessary to determine the applicant's eligibility for a license  
8-21 under this subchapter.

8-22 (e) On receipt of all the application materials required by  
8-23 this section, the department shall:

8-24 (1) if the applicant is an active judicial officer,  
8-25 issue a license to carry a ~~concealed~~ handgun under the authority  
8-26 of this subchapter; or

8-27 (2) if the applicant is a retired judicial officer,  
8-28 conduct an appropriate background investigation to determine the  
8-29 applicant's eligibility for the license and, if the applicant is  
8-30 eligible, issue a license to carry a ~~concealed~~ handgun under the  
8-31 authority of this subchapter.

8-32 (h) The department shall issue a license to carry a  
8-33 ~~concealed~~ handgun under the authority of this subchapter to an  
8-34 elected attorney representing the state in the prosecution of  
8-35 felony cases who meets the requirements of this section for an  
8-36 active judicial officer. The department shall waive any fee  
8-37 required for the issuance of an original, duplicate, or renewed  
8-38 license under this subchapter for an applicant who is an attorney  
8-39 elected or employed to represent the state in the prosecution of  
8-40 felony cases.

8-41 SECTION 27. Section 411.203, Government Code, is amended to  
8-42 read as follows:

8-43 Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does  
8-44 not prevent or otherwise limit the right of a public or private  
8-45 employer to prohibit persons who are licensed under this subchapter  
8-46 from carrying a ~~concealed~~ handgun on the premises of the  
8-47 business. In this section, "premises" has the meaning assigned by  
8-48 Section 46.035(f)(3), Penal Code.

8-49 SECTION 28. Section 411.2032(b), Government Code, is  
8-50 amended to read as follows:

8-51 (b) An institution of higher education or private or  
8-52 independent institution of higher education in this state may not  
8-53 adopt or enforce any rule, regulation, or other provision or take  
8-54 any other action, including posting notice under Section 30.06 or  
8-55 30.07, Penal Code, prohibiting or placing restrictions on the  
8-56 storage or transportation of a firearm or ammunition in a locked,  
8-57 privately owned or leased motor vehicle by a person, including a  
8-58 student enrolled at that institution, who holds a license to carry a  
8-59 ~~concealed~~ handgun under this subchapter and lawfully possesses  
8-60 the firearm or ammunition:

8-61 (1) on a street or driveway located on the campus of  
8-62 the institution; or

8-63 (2) in a parking lot, parking garage, or other parking  
8-64 area located on the campus of the institution.

8-65 SECTION 29. Section 12.092(b), Health and Safety Code, is  
8-66 amended to read as follows:

8-67 (b) The medical advisory board shall assist the Department  
8-68 of Public Safety of the State of Texas in determining whether:

8-69 (1) an applicant for a driver's license or a license  
8-70 holder is capable of safely operating a motor vehicle; or

8-71 (2) an applicant for or holder of a license to carry a



9-1 [~~concealed~~] handgun under the authority of Subchapter H, Chapter  
9-2 411, Government Code, or an applicant for or holder of a commission  
9-3 as a security officer under Chapter 1702, Occupations Code, is  
9-4 capable of exercising sound judgment with respect to the proper use  
9-5 and storage of a handgun.

9-6 SECTION 30. Sections 52.061 and 52.062, Labor Code, are  
9-7 amended to read as follows:

9-8 Sec. 52.061. RESTRICTION ON PROHIBITING EMPLOYEE ACCESS TO  
9-9 OR STORAGE OF FIREARM OR AMMUNITION. A public or private employer  
9-10 may not prohibit an employee who holds a license to carry a  
9-11 [~~concealed~~] handgun under Subchapter H, Chapter 411, Government  
9-12 Code, who otherwise lawfully possesses a firearm, or who lawfully  
9-13 possesses ammunition from transporting or storing a firearm or  
9-14 ammunition the employee is authorized by law to possess in a locked,  
9-15 privately owned motor vehicle in a parking lot, parking garage, or  
9-16 other parking area the employer provides for employees.

9-17 Sec. 52.062. EXCEPTIONS. (a) Section 52.061 does not:

9-18 (1) authorize a person who holds a license to carry a  
9-19 [~~concealed~~] handgun under Subchapter H, Chapter 411, Government  
9-20 Code, who otherwise lawfully possesses a firearm, or who lawfully  
9-21 possesses ammunition to possess a firearm or ammunition on any  
9-22 property where the possession of a firearm or ammunition is  
9-23 prohibited by state or federal law; or

9-24 (2) apply to:

9-25 (A) a vehicle owned or leased by a public or  
9-26 private employer and used by an employee in the course and scope of  
9-27 the employee's employment, unless the employee is required to  
9-28 transport or store a firearm in the official discharge of the  
9-29 employee's duties;

9-30 (B) a school district;

9-31 (C) an open-enrollment charter school, as  
9-32 defined by Section 5.001, Education Code;

9-33 (D) a private school, as defined by Section  
9-34 22.081, Education Code;

9-35 (E) property owned or controlled by a person,  
9-36 other than the employer, that is subject to a valid, unexpired oil,  
9-37 gas, or other mineral lease that contains a provision prohibiting  
9-38 the possession of firearms on the property; or

9-39 (F) property owned or leased by a chemical  
9-40 manufacturer or oil and gas refiner with an air authorization under  
9-41 Chapter 382, Health and Safety Code, and on which the primary  
9-42 business conducted is the manufacture, use, storage, or  
9-43 transportation of hazardous, combustible, or explosive materials,  
9-44 except in regard to an employee who holds a license to carry a  
9-45 [~~concealed~~] handgun under Subchapter H, Chapter 411, Government  
9-46 Code, and who stores a firearm or ammunition the employee is  
9-47 authorized by law to possess in a locked, privately owned motor  
9-48 vehicle in a parking lot, parking garage, or other parking area the  
9-49 employer provides for employees that is outside of a secured and  
9-50 restricted area:

9-51 (i) that contains the physical plant;

9-52 (ii) that is not open to the public; and

9-53 (iii) the ingress into which is constantly  
9-54 monitored by security personnel.

9-55 (b) Section 52.061 does not prohibit an employer from  
9-56 prohibiting an employee who holds a license to carry a [~~concealed~~]  
9-57 handgun under Subchapter H, Chapter 411, Government Code, or who  
9-58 otherwise lawfully possesses a firearm, from possessing a firearm  
9-59 the employee is otherwise authorized by law to possess on the  
9-60 premises of the employer's business. In this subsection,  
9-61 "premises" has the meaning assigned by Section 46.035(f)(3), Penal  
9-62 Code.

9-63 SECTION 31. (a) Section 118.011(b), Local Government Code,  
9-64 as effective until September 1, 2019, is amended to read as follows:

9-65 (b) The county clerk may set and collect the following fee  
9-66 from any person:

9-67 (1) Returned Check (Sec. 118.0215) . . . . . not  
9-68 less than \$15 or more than \$30

9-69 (2) Records Management and Preservation Fee (Sec.  
9-70 118.0216) . . . . . not more than  
9-71 \$10

10-1 (3) Mental Health Background Check for License to  
10-2 Carry a Handgun [~~Concealed Weapon~~] (Sec. 118.0217) . . . . . not  
10-3 more than \$2

10-4 (b) This section takes effect September 1, 2015.

10-5 SECTION 32. (a) Section 118.011(b), Local Government Code,  
10-6 as effective September 1, 2019, is amended to read as follows:

10-7 (b) The county clerk may set and collect the following fee  
10-8 from any person:

10-9 (1) Returned Check (Sec. 118.0215) . . . . . not  
10-10 less than \$15 or more than \$30

10-11 (2) Records Management and Preservation Fee (Sec.  
10-12 118.0216) . . . . . not more  
10-13 than \$5

10-14 (3) Mental Health Background Check for License to  
10-15 Carry a Handgun [~~Concealed Weapon~~] (Sec. 118.0217) . . . . . not  
10-16 more than \$2

10-17 (b) This section takes effect September 1, 2019.

10-18 SECTION 33. Section 118.0217(a), Local Government Code, is  
10-19 amended to read as follows:

10-20 (a) The fee for a "mental health background check for  
10-21 license to carry a handgun [~~concealed weapon~~]" is for a check,  
10-22 conducted by the county clerk at the request of the Texas Department  
10-23 of Public Safety, of the county records involving the mental  
10-24 condition of a person who applies for a license to carry a  
10-25 [~~concealed~~] handgun under Subchapter H, Chapter 411, Government  
10-26 Code. The fee, not to exceed \$2, will be paid from the application  
10-27 fee submitted to the Department of Public Safety according to  
10-28 Section 411.174(a)(6), Government Code.

10-29 SECTION 34. Section 229.001(b), Local Government Code, is  
10-30 amended to read as follows:

10-31 (b) Subsection (a) does not affect the authority a  
10-32 municipality has under another law to:

10-33 (1) require residents or public employees to be armed  
10-34 for personal or national defense, law enforcement, or another  
10-35 lawful purpose;

10-36 (2) regulate the discharge of firearms or air guns  
10-37 within the limits of the municipality, other than at a sport  
10-38 shooting range;

10-39 (3) regulate the use of property, the location of a  
10-40 business, or uses at a business under the municipality's fire code,  
10-41 zoning ordinance, or land-use regulations as long as the code,  
10-42 ordinance, or regulations are not used to circumvent the intent of  
10-43 Subsection (a) or Subdivision (5) of this subsection;

10-44 (4) regulate the use of firearms or air guns in the  
10-45 case of an insurrection, riot, or natural disaster if the  
10-46 municipality finds the regulations necessary to protect public  
10-47 health and safety;

10-48 (5) regulate the storage or transportation of  
10-49 explosives to protect public health and safety, except that 25  
10-50 pounds or less of black powder for each private residence and 50  
10-51 pounds or less of black powder for each retail dealer are not  
10-52 subject to regulation;

10-53 (6) regulate the carrying of a firearm or air gun by a  
10-54 person other than a person licensed to carry a [~~concealed~~] handgun  
10-55 under Subchapter H, Chapter 411, Government Code, at a:

10-56 (A) public park;

10-57 (B) public meeting of a municipality, county, or  
10-58 other governmental body;

10-59 (C) political rally, parade, or official  
10-60 political meeting; or

10-61 (D) nonfirearms-related school, college, or  
10-62 professional athletic event;

10-63 (7) regulate the hours of operation of a sport  
10-64 shooting range, except that the hours of operation may not be more  
10-65 limited than the least limited hours of operation of any other  
10-66 business in the municipality other than a business permitted or  
10-67 licensed to sell or serve alcoholic beverages for on-premises  
10-68 consumption; or

10-69 (8) regulate the carrying of an air gun by a minor on:

10-70 (A) public property; or

10-71 (B) private property without consent of the

11-1 property owner.

11-2 SECTION 35. The heading to Section 1701.260, Occupations  
11-3 Code, is amended to read as follows:

11-4 Sec. 1701.260. TRAINING FOR HOLDERS OF LICENSE TO CARRY A  
11-5 ~~[CONCEALED]~~ HANDGUN; CERTIFICATION OF ELIGIBILITY FOR APPOINTMENT  
11-6 AS SCHOOL MARSHAL.

11-7 SECTION 36. Sections 1701.260(a) and (i), Occupations Code,  
11-8 are amended to read as follows:

11-9 (a) The commission shall establish and maintain a training  
11-10 program open to any employee of a school district or  
11-11 open-enrollment charter school who holds a license to carry a  
11-12 ~~[concealed]~~ handgun issued under Subchapter H, Chapter 411,  
11-13 Government Code. The training may be conducted only by the  
11-14 commission staff or a provider approved by the commission.

11-15 (i) The commission shall revoke a person's school marshal  
11-16 license if the commission is notified by the Department of Public  
11-17 Safety that the person's license to carry a ~~[concealed]~~ handgun  
11-18 issued under Subchapter H, Chapter 411, Government Code, has been  
11-19 suspended or revoked. A person whose school marshal license is  
11-20 revoked may obtain recertification by:

11-21 (1) furnishing proof to the commission that the  
11-22 person's ~~[concealed]~~ handgun license has been reinstated; and

11-23 (2) completing the initial training under Subsection  
11-24 (c) to the satisfaction of the commission staff, paying the fee for  
11-25 the training, and demonstrating psychological fitness on the  
11-26 psychological examination described in Subsection (d).

11-27 SECTION 37. Section 1702.206(b), Occupations Code, is  
11-28 amended to read as follows:

11-29 (b) An individual who is acting as a personal protection  
11-30 officer and is wearing the uniform of a security officer, including  
11-31 any uniform or apparel described by Section 1702.323(d), may not  
11-32 conceal any firearm the individual is carrying and shall carry the  
11-33 firearm in plain view. An individual who is acting as a personal  
11-34 protection officer and is not wearing the uniform of a security  
11-35 officer shall conceal the firearm, regardless of whether the  
11-36 individual is authorized to openly carry the firearm under any  
11-37 other law.

11-38 SECTION 38. Sections 62.082(d) and (e), Parks and Wildlife  
11-39 Code, are amended to read as follows:

11-40 (d) Section 62.081 does not apply to:

11-41 (1) an employee of the Lower Colorado River Authority;

11-42 (2) a person authorized to hunt under Subsection (c);

11-43 (3) a peace officer as defined by Article 2.12, Code of  
11-44 Criminal Procedure; or

11-45 (4) a person who:

11-46 (A) possesses a ~~[concealed]~~ handgun and a license  
11-47 issued under Subchapter H, Chapter 411, Government Code, to carry a  
11-48 ~~[concealed]~~ handgun; or

11-49 (B) under circumstances in which the person would  
11-50 be justified in the use of deadly force under Chapter 9, Penal Code,  
11-51 shoots a handgun the person is licensed to carry under Subchapter H,  
11-52 Chapter 411, Government Code.

11-53 (e) A state agency, including the department, the  
11-54 Department of Public Safety, and the Lower Colorado River  
11-55 Authority, may not adopt a rule that prohibits a person who  
11-56 possesses a license issued under Subchapter H, Chapter 411,  
11-57 Government Code, from entering or crossing the land of the Lower  
11-58 Colorado River Authority while:

11-59 (1) possessing a ~~[concealed]~~ handgun; or

11-60 (2) under circumstances in which the person would be  
11-61 justified in the use of deadly force under Chapter 9, Penal Code,  
11-62 shooting a handgun.

11-63 SECTION 39. Section 284.001(e), Parks and Wildlife Code, is  
11-64 amended to read as follows:

11-65 (e) This section does not limit the ability of a license  
11-66 holder to carry a ~~[concealed]~~ handgun under the authority of  
11-67 Subchapter H, Chapter 411, Government Code.

11-68 SECTION 40. Section 30.05(f), Penal Code, is amended to  
11-69 read as follows:

11-70 (f) It is a defense to prosecution under this section that:

11-71 (1) the basis on which entry on the property or land or

12-1 in the building was forbidden is that entry with a handgun was  
 12-2 forbidden; and  
 12-3 (2) the person was carrying:  
 12-4 (A) a ~~[concealed handgun and a]~~ license issued  
 12-5 under Subchapter H, Chapter 411, Government Code, to carry a  
 12-6 ~~[concealed]~~ handgun; and  
 12-7 (B) a handgun:  
 12-8 (i) in a concealed manner; or  
 12-9 (ii) in a shoulder or belt holster.

12-10 SECTION 41. The heading to Section 30.06, Penal Code, is  
 12-11 amended to read as follows:  
 12-12 Sec. 30.06. TRESPASS BY LICENSE HOLDER WITH A ~~[OF LICENSE TO~~  
 12-13 ~~CARRY]~~ CONCEALED HANDGUN.

12-14 SECTION 42. Sections 30.06(a) and (d), Penal Code, are  
 12-15 amended to read as follows:

12-16 (a) A license holder commits an offense if the license  
 12-17 holder:

12-18 (1) carries a concealed handgun under the authority of  
 12-19 Subchapter H, Chapter 411, Government Code, on property of another  
 12-20 without effective consent; and

12-21 (2) received notice that ~~[+~~  
 12-22 ~~[(-A)]~~ entry on the property by a license holder  
 12-23 with a concealed handgun was forbidden ~~[, or~~  
 12-24 ~~[(-B) remaining on the property with a concealed~~  
 12-25 ~~handgun was forbidden and failed to depart].~~

12-26 (d) An offense under this section is a Class C misdemeanor  
 12-27 punishable by a fine not to exceed \$200, except that the offense is  
 12-28 a Class A misdemeanor if it is shown on the trial of the offense  
 12-29 that, after entering the property, the license holder was  
 12-30 personally given the notice by oral communication described by  
 12-31 Subsection (b) and subsequently failed to depart.

12-32 SECTION 43. Section 30.06(c)(3), Penal Code, is amended to  
 12-33 read as follows:

12-34 (3) "Written communication" means:  
 12-35 (A) a card or other document on which is written  
 12-36 language identical to the following: "Pursuant to Section 30.06,  
 12-37 Penal Code (trespass by license holder with ~~[of license to carry]~~ a  
 12-38 concealed handgun), a person licensed under Subchapter H, Chapter  
 12-39 411, Government Code (~~[concealed]~~ handgun licensing law), may not  
 12-40 enter this property with a concealed handgun"; or

12-41 (B) a sign posted on the property that:  
 12-42 (i) includes the language described by  
 12-43 Paragraph (A) in both English and Spanish;  
 12-44 (ii) appears in contrasting colors with  
 12-45 block letters at least one inch in height; and  
 12-46 (iii) is displayed in a conspicuous manner  
 12-47 clearly visible to the public.

12-48 SECTION 44. Chapter 30, Penal Code, is amended by adding  
 12-49 Section 30.07 to read as follows:

12-50 Sec. 30.07. TRESPASS BY LICENSE HOLDER WITH AN OPENLY  
 12-51 CARRIED HANDGUN. (a) A license holder commits an offense if the  
 12-52 license holder:

12-53 (1) openly carries a handgun under the authority of  
 12-54 Subchapter H, Chapter 411, Government Code, on property of another  
 12-55 without effective consent; and

12-56 (2) received notice that entry on the property by a  
 12-57 license holder openly carrying a handgun was forbidden.

12-58 (b) For purposes of this section, a person receives notice  
 12-59 if the owner of the property or someone with apparent authority to  
 12-60 act for the owner provides notice to the person by oral or written  
 12-61 communication.

12-62 (c) In this section:  
 12-63 (1) "Entry" has the meaning assigned by Section  
 12-64 30.05(b).

12-65 (2) "License holder" has the meaning assigned by  
 12-66 Section 46.035(f).

12-67 (3) "Written communication" means:  
 12-68 (A) a card or other document on which is written  
 12-69 language identical to the following: "Pursuant to Section 30.07,  
 12-70 Penal Code (trespass by license holder with an openly carried  
 12-71 handgun), a person licensed under Subchapter H, Chapter 411,

13-1 Government Code (handgun licensing law), may not enter this  
 13-2 property with a handgun that is carried openly"; or

13-3 (B) a sign posted on the property that:

13-4 (i) includes the language described by  
 13-5 Paragraph (A) in both English and Spanish;

13-6 (ii) appears in contrasting colors with  
 13-7 block letters at least one inch in height; and

13-8 (iii) is displayed in a conspicuous manner  
 13-9 clearly visible to the public at each entrance to the property.

13-10 (d) An offense under this section is a Class C misdemeanor  
 13-11 punishable by a fine not to exceed \$200, except that the offense is  
 13-12 a Class A misdemeanor if it is shown on the trial of the offense  
 13-13 that, after entering the property, the license holder was  
 13-14 personally given the notice by oral communication described by  
 13-15 Subsection (b) and subsequently failed to depart.

13-16 (e) It is an exception to the application of this section  
 13-17 that the property on which the license holder openly carries the  
 13-18 handgun is owned or leased by a governmental entity and is not a  
 13-19 premises or other place on which the license holder is prohibited  
 13-20 from carrying the handgun under Section 46.03 or 46.035.

13-21 (f) It is not a defense to prosecution under this section  
 13-22 that the handgun was carried in a shoulder or belt holster.

13-23 SECTION 45. Section 46.02(a-1), Penal Code, is amended to  
 13-24 read as follows:

13-25 (a-1) A person commits an offense if the person  
 13-26 intentionally, knowingly, or recklessly carries on or about his or  
 13-27 her person a handgun in a motor vehicle or watercraft that is owned  
 13-28 by the person or under the person's control at any time in which:

13-29 (1) the handgun is in plain view, unless the person is  
 13-30 licensed to carry a handgun under Subchapter H, Chapter 411,  
 13-31 Government Code, and the handgun is carried in a shoulder or belt  
 13-32 holster; or

13-33 (2) the person is:

13-34 (A) engaged in criminal activity, other than a  
 13-35 Class C misdemeanor that is a violation of a law or ordinance  
 13-36 regulating traffic or boating;

13-37 (B) prohibited by law from possessing a firearm;  
 13-38 or

13-39 (C) a member of a criminal street gang, as  
 13-40 defined by Section 71.01.

13-41 SECTION 46. Section 46.03(f), Penal Code, is amended to  
 13-42 read as follows:

13-43 (f) It is not a defense to prosecution under this section  
 13-44 that the actor possessed a handgun and was licensed to carry a  
 13-45 [concealed] handgun under Subchapter H, Chapter 411, Government  
 13-46 Code.

13-47 SECTION 47. Section 46.035, Penal Code, is amended by  
 13-48 amending Subsections (a), (b), (c), (d), (g), (h), (i), and (j) and  
 13-49 adding Subsection (a-1) to read as follows:

13-50 (a) A license holder commits an offense if the license  
 13-51 holder carries a handgun on or about the license holder's person  
 13-52 under the authority of Subchapter H, Chapter 411, Government Code,  
 13-53 and intentionally displays the handgun in plain view of another  
 13-54 person in a public place. It is an exception to the application of  
 13-55 this subsection that the handgun was partially or wholly visible  
 13-56 but was carried in a shoulder or belt holster by the license holder.

13-57 (a-1) Notwithstanding Subsection (a), a license holder  
 13-58 commits an offense if the license holder carries a partially or  
 13-59 wholly visible handgun, regardless of whether the handgun is  
 13-60 holstered, on or about the license holder's person under the  
 13-61 authority of Subchapter H, Chapter 411, Government Code, and  
 13-62 intentionally displays the handgun in plain view of another person:

13-63 (1) on the premises of an institution of higher  
 13-64 education or private or independent institution of higher  
 13-65 education; or

13-66 (2) on any public or private driveway, street,  
 13-67 sidewalk or walkway, parking lot, parking garage, or other parking  
 13-68 area of an institution of higher education or private or  
 13-69 independent institution of higher education.

13-70 (b) A license holder commits an offense if the license  
 13-71 holder intentionally, knowingly, or recklessly carries a handgun

14-1 under the authority of Subchapter H, Chapter 411, Government Code,  
 14-2 regardless of whether the handgun is concealed or carried in a  
 14-3 shoulder or belt holster, on or about the license holder's person:

14-4 (1) on the premises of a business that has a permit or  
 14-5 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic  
 14-6 Beverage Code, if the business derives 51 percent or more of its  
 14-7 income from the sale or service of alcoholic beverages for  
 14-8 on-premises consumption, as determined by the Texas Alcoholic  
 14-9 Beverage Commission under Section 104.06, Alcoholic Beverage Code;

14-10 (2) on the premises where a high school, collegiate,  
 14-11 or professional sporting event or interscholastic event is taking  
 14-12 place, unless the license holder is a participant in the event and a  
 14-13 handgun is used in the event;

14-14 (3) on the premises of a correctional facility;

14-15 (4) on the premises of a hospital licensed under  
 14-16 Chapter 241, Health and Safety Code, or on the premises of a nursing  
 14-17 facility ~~[home]~~ licensed under Chapter 242, Health and Safety Code,  
 14-18 unless the license holder has written authorization of the hospital  
 14-19 or nursing facility ~~[home]~~ administration, as appropriate;

14-20 (5) in an amusement park; or

14-21 (6) on the premises of a church, synagogue, or other  
 14-22 established place of religious worship.

14-23 (c) A license holder commits an offense if the license  
 14-24 holder intentionally, knowingly, or recklessly carries a handgun  
 14-25 under the authority of Subchapter H, Chapter 411, Government Code,  
 14-26 regardless of whether the handgun is concealed or carried in a  
 14-27 shoulder or belt holster, at any meeting of a governmental entity.

14-28 (d) A license holder commits an offense if, while  
 14-29 intoxicated, the license holder carries a handgun under the  
 14-30 authority of Subchapter H, Chapter 411, Government Code, regardless  
 14-31 of whether the handgun is concealed or carried in a shoulder or belt  
 14-32 holster.

14-33 (g) An offense under this section ~~[Subsection (a), (b), (c),~~  
 14-34 ~~(d), or (e)]~~ is a Class A misdemeanor, unless the offense is  
 14-35 committed under Subsection (b)(1) or (b)(3), in which event the  
 14-36 offense is a felony of the third degree.

14-37 (h) It is a defense to prosecution under Subsection (a) or  
 14-38 (a-1) that the actor, at the time of the commission of the offense,  
 14-39 displayed the handgun under circumstances in which the actor would  
 14-40 have been justified in the use of force or deadly force under  
 14-41 Chapter 9.

14-42 (i) Subsections (b)(4), (b)(5), (b)(6), and (c) do not apply  
 14-43 if the actor was not given effective notice under Section 30.06 or  
 14-44 30.07.

14-45 (j) Subsections (a), (a-1), and (b)(1) do not apply to a  
 14-46 historical reenactment performed in compliance with the rules of  
 14-47 the Texas Alcoholic Beverage Commission.

14-48 SECTION 48. Section 46.035(f), Penal Code, is amended by  
 14-49 adding Subdivision (1-a) to read as follows:

14-50 (1-a) "Institution of higher education" and "private  
 14-51 or independent institution of higher education" have the meanings  
 14-52 assigned by Section 61.003, Education Code.

14-53 SECTION 49. Sections 46.15(a) and (b), Penal Code, are  
 14-54 amended to read as follows:

14-55 (a) Sections 46.02 and 46.03 do not apply to:

14-56 (1) peace officers or special investigators under  
 14-57 Article 2.122, Code of Criminal Procedure, and neither section  
 14-58 prohibits a peace officer or special investigator from carrying a  
 14-59 weapon in this state, including in an establishment in this state  
 14-60 serving the public, regardless of whether the peace officer or  
 14-61 special investigator is engaged in the actual discharge of the  
 14-62 officer's or investigator's duties while carrying the weapon;

14-63 (2) parole officers and neither section prohibits an  
 14-64 officer from carrying a weapon in this state if the officer is:

14-65 (A) engaged in the actual discharge of the  
 14-66 officer's duties while carrying the weapon; and

14-67 (B) in compliance with policies and procedures  
 14-68 adopted by the Texas Department of Criminal Justice regarding the  
 14-69 possession of a weapon by an officer while on duty;

14-70 (3) community supervision and corrections department  
 14-71 officers appointed or employed under Section 76.004, Government

15-1 Code, and neither section prohibits an officer from carrying a  
 15-2 weapon in this state if the officer is:

15-3 (A) engaged in the actual discharge of the  
 15-4 officer's duties while carrying the weapon; and

15-5 (B) authorized to carry a weapon under Section  
 15-6 [76.0051](#), Government Code;

15-7 (4) an active judicial officer as defined by Section  
 15-8 [411.201](#), Government Code, who is licensed to carry a [~~concealed~~]  
 15-9 handgun under Subchapter H, Chapter 411, Government Code;

15-10 (5) an honorably retired peace officer, qualified  
 15-11 retired law enforcement officer, federal criminal investigator, or  
 15-12 former reserve law enforcement officer who holds a certificate of  
 15-13 proficiency issued under Section [1701.357](#), Occupations Code, and is  
 15-14 carrying a photo identification that is issued by a federal, state,  
 15-15 or local law enforcement agency, as applicable, and that verifies  
 15-16 that the officer is:

15-17 (A) an honorably retired peace officer;

15-18 (B) a qualified retired law enforcement officer;

15-19 (C) a federal criminal investigator; or

15-20 (D) a former reserve law enforcement officer who  
 15-21 has served in that capacity not less than a total of 15 years with  
 15-22 one or more state or local law enforcement agencies;

15-23 (6) a district attorney, criminal district attorney,  
 15-24 county attorney, or municipal attorney who is licensed to carry a  
 15-25 [~~concealed~~] handgun under Subchapter H, Chapter 411, Government  
 15-26 Code;

15-27 (7) an assistant district attorney, assistant  
 15-28 criminal district attorney, or assistant county attorney who is  
 15-29 licensed to carry a [~~concealed~~] handgun under Subchapter H, Chapter  
 15-30 411, Government Code;

15-31 (8) a bailiff designated by an active judicial officer  
 15-32 as defined by Section [411.201](#), Government Code, who is:

15-33 (A) licensed to carry a [~~concealed~~] handgun under  
 15-34 Subchapter H, Chapter 411, Government Code; and

15-35 (B) engaged in escorting the judicial officer; or

15-36 (9) a juvenile probation officer who is authorized to  
 15-37 carry a firearm under Section [142.006](#), Human Resources Code.

15-38 (b) Section [46.02](#) does not apply to a person who:

15-39 (1) is in the actual discharge of official duties as a  
 15-40 member of the armed forces or state military forces as defined by  
 15-41 Section [437.001](#), Government Code, or as a guard employed by a penal  
 15-42 institution;

15-43 (2) is traveling;

15-44 (3) is engaging in lawful hunting, fishing, or other  
 15-45 sporting activity on the immediate premises where the activity is  
 15-46 conducted, or is en route between the premises and the actor's  
 15-47 residence, motor vehicle, or watercraft, if the weapon is a type  
 15-48 commonly used in the activity;

15-49 (4) holds a security officer commission issued by the  
 15-50 Texas Private Security Board, if the person is engaged in the  
 15-51 performance of the person's duties as an officer commissioned under  
 15-52 Chapter 1702, Occupations Code, or is traveling to or from the  
 15-53 person's place of assignment and is wearing the officer's uniform  
 15-54 and carrying the officer's weapon in plain view;

15-55 (5) acts as a personal protection officer and carries  
 15-56 the person's security officer commission and personal protection  
 15-57 officer authorization, if the person:

15-58 (A) is engaged in the performance of the person's  
 15-59 duties as a personal protection officer under Chapter 1702,  
 15-60 Occupations Code, or is traveling to or from the person's place of  
 15-61 assignment; and

15-62 (B) is either:

15-63 (i) wearing the uniform of a security  
 15-64 officer, including any uniform or apparel described by Section  
 15-65 [1702.323](#)(d), Occupations Code, and carrying the officer's weapon in  
 15-66 plain view; or

15-67 (ii) not wearing the uniform of a security  
 15-68 officer and carrying the officer's weapon in a concealed manner;

15-69 (6) is carrying:

15-70 (A) a [~~concealed handgun and a valid~~] license  
 15-71 issued under Subchapter H, Chapter 411, Government Code, to carry a

16-1 [~~concealed~~] handgun; and  
 16-2 (B) a handgun:  
 16-3 (i) in a concealed manner; or  
 16-4 (ii) in a shoulder or belt holster;  
 16-5 (7) holds an alcoholic beverage permit or license or  
 16-6 is an employee of a holder of an alcoholic beverage permit or  
 16-7 license if the person is supervising the operation of the permitted  
 16-8 or licensed premises; or  
 16-9 (8) is a student in a law enforcement class engaging in  
 16-10 an activity required as part of the class, if the weapon is a type  
 16-11 commonly used in the activity and the person is:

16-12 (A) on the immediate premises where the activity  
 16-13 is conducted; or  
 16-14 (B) en route between those premises and the  
 16-15 person's residence and is carrying the weapon unloaded.

16-16 SECTION 50. Section 411.171(3), Government Code, is  
 16-17 repealed.

16-18 SECTION 51. The change in law made by this Act relating to  
 16-19 the authority of a license holder to openly carry a holstered  
 16-20 handgun applies to the carrying of a handgun on or after the  
 16-21 effective date of this Act by any person who:

16-22 (1) holds a license issued under Subchapter H, Chapter  
 16-23 411, Government Code, regardless of whether the person's license  
 16-24 was issued before, on, or after the effective date of this Act; or

16-25 (2) applies for the issuance of a license under that  
 16-26 subchapter, regardless of whether the person applied for the  
 16-27 license before, on, or after the effective date of this Act.

16-28 SECTION 52. The changes in law made by this Act to Sections  
 16-29 62.082 and 284.001, Parks and Wildlife Code, and to Sections 30.05,  
 16-30 30.06, 46.02, 46.03, 46.035, and 46.15, Penal Code, apply only to an  
 16-31 offense committed on or after the effective date of this Act. An  
 16-32 offense committed before the effective date of this Act is governed  
 16-33 by the law in effect on the date the offense was committed, and the  
 16-34 former law is continued in effect for that purpose. For purposes of  
 16-35 this section, an offense was committed before the effective date of  
 16-36 this Act if any element of the offense occurred before that date.

16-37 SECTION 53. Except as otherwise provided by this Act, this  
 16-38 Act takes effect January 1, 2016.

16-39 \* \* \* \* \*