

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

H.B. No. 937

Substitute the following for H.B. No. 937:

By: Phillips

C.S.H.B. No. 937

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the carrying of handguns on the campuses of and certain  
3 other locations associated with institutions of higher education;  
4 amending provisions subject to a criminal penalty; creating a  
5 criminal offense.

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

7 SECTION 1. Subchapter H, Chapter 411, Government Code, is  
8 amended by adding Section 411.2031 to read as follows:

9 Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON  
10 CERTAIN CAMPUSES. (a) For purposes of this section:

11 (1) "Campus" means all land and buildings owned or  
12 leased by an institution of higher education or private or  
13 independent institution of higher education.

14 (2) "Institution of higher education" and "private or  
15 independent institution of higher education" have the meanings  
16 assigned by Section 61.003, Education Code.

17 (3) "Premises" has the meaning assigned by Section  
18 46.035, Penal Code.

19 (b) A license holder may carry a concealed handgun on or  
20 about the license holder's person while the license holder is on the  
21 campus of an institution of higher education or private or  
22 independent institution of higher education in this state.

23 (c) Except as provided by Subsection (d) or (e), an  
24 institution of higher education or private or independent

1 institution of higher education in this state may not adopt any  
2 rule, regulation, or other provision prohibiting license holders  
3 from carrying concealed handguns on the campus of the institution.

4 (d) An institution of higher education or private or  
5 independent institution of higher education in this state may  
6 establish rules, regulations, or other provisions concerning the  
7 storage of handguns in dormitories or other residential facilities  
8 that are owned or leased and operated by the institution and located  
9 on the campus of the institution.

10 (e) Except as provided by Section 411.2032, a private or  
11 independent institution of higher education in this state, after  
12 consulting with students, staff, and faculty of the institution,  
13 may establish rules, regulations, or other provisions prohibiting  
14 license holders from carrying handguns on the campus of the  
15 institution, on any grounds or building on which an activity  
16 sponsored by the institution is being conducted, or in a passenger  
17 transportation vehicle of the institution.

18 (f) This section does not permit a person to possess a  
19 concealed handgun, or go with a concealed handgun, on the premises  
20 of a hospital maintained or operated by an institution of higher  
21 education or private or independent institution of higher education  
22 if the hospital gives effective notice under Section 30.06, Penal  
23 Code. In this subsection, "hospital" has the meaning assigned by  
24 Section 241.003, Health and Safety Code.

25 (g) This section does not permit a person to possess a  
26 concealed handgun, or go with a concealed handgun, on the premises  
27 of a preschool, elementary school, or secondary school that is

1 located on the campus of an institution of higher education or  
2 private or independent institution of higher education if the  
3 institution gives effective notice under Section 30.06, Penal Code.

4 (h) This section does not permit a person to possess a  
5 concealed handgun, or go with a concealed handgun, inside a  
6 building or a portion of a building that is in continuous use as a  
7 national biocontainment laboratory in which biological specimens  
8 are stored or used and that is located on the premises of an  
9 institution of higher education or private or independent  
10 institution of higher education and maintained or operated by the  
11 institution, if the institution gives effective notice under  
12 Section 30.06, Penal Code, with respect to that building or portion  
13 of that building. This subsection does not apply to any portion of  
14 a building to which students, faculty, staff, or the general public  
15 are granted unrestricted access.

16 SECTION 2. Section 411.208, Government Code, is amended by  
17 amending Subsections (a), (b), and (d) and adding Subsection (f) to  
18 read as follows:

19 (a) A court may not hold the state, an agency or subdivision  
20 of the state, an officer or employee of the state, an institution of  
21 higher education, an officer or employee of an institution of  
22 higher education, a private or independent institution of higher  
23 education that has not adopted rules under Section 411.2031(e), an  
24 officer or employee of a private or independent institution of  
25 higher education that has not adopted rules under Section  
26 411.2031(e), a peace officer, or a qualified handgun instructor  
27 liable for damages caused by:

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

3 (2) the actions of an applicant or license holder that  
4 occur after the applicant has received a license or been denied a  
5 license under this subchapter.

6 (b) A cause of action in damages may not be brought against  
7 the state, an agency or subdivision of the state, an officer or  
8 employee of the state, an institution of higher education, an  
9 officer or employee of an institution of higher education, a  
10 private or independent institution of higher education that has not  
11 adopted rules under Section 411.2031(e), an officer or employee of  
12 a private or independent institution of higher education that has  
13 not adopted rules under Section 411.2031(e), a peace officer, or a  
14 qualified handgun instructor for any damage caused by the actions  
15 of an applicant or license holder under this subchapter.

16 (d) The immunities granted under Subsections (a), (b), and  
17 (c) do not apply to:

18 (1) an act or a failure to act by the state, an agency  
19 or subdivision of the state, an officer of the state, an institution  
20 of higher education, an officer or employee of an institution of  
21 higher education, a private or independent institution of higher  
22 education that has not adopted rules under Section 411.2031(e), an  
23 officer or employee of a private or independent institution of  
24 higher education that has not adopted rules under Section  
25 411.2031(e), or a peace officer if the act or failure to act was  
26 capricious or arbitrary; or

27 (2) any officer or employee of an institution of

1 higher education or private or independent institution of higher  
2 education described by Subdivision (1) who possesses a handgun on  
3 the campus of that institution and whose conduct with regard to the  
4 handgun is made the basis of a claim for personal injury or property  
5 damage.

6 (f) For purposes of this section:

7 (1) "Campus" has the meaning assigned by Section  
8 411.2031.

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

12 SECTION 3. Section 30.06(e), Penal Code, is amended to read  
13 as follows:

14 (e) It is an exception to the application of this section  
15 that the property on which the license holder carries a handgun is  
16 owned or leased by a governmental entity and is not:

17 (1) a premises or other place on which the license  
18 holder is prohibited from carrying the handgun under Section 46.03  
19 or 46.035; or

20 (2) the portion of the premises of an institution of  
21 higher education, as defined by Section 61.003, Education Code,  
22 that is described by Section 411.2031(h), Government Code.

23 SECTION 4. Section 46.03, Penal Code, is amended by  
24 amending Subsections (a) and (c) and adding Subsections (j), (k),  
25 and (l) to read as follows:

26 (a) A person commits an offense if the person intentionally,  
27 knowingly, or recklessly possesses or goes with a firearm, illegal

1 knife, club, or prohibited weapon listed in Section 46.05(a):

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

8 (A) pursuant to written regulations or written  
9 authorization of the institution; or

10 (B) the person possesses or goes with a concealed  
11 handgun that the person is licensed to carry under Subchapter H,  
12 Chapter 411, Government Code, and no other weapon to which this  
13 section applies, on the premises of an institution of higher  
14 education or private or independent institution of higher  
15 education, on any grounds or building on which an activity  
16 sponsored by the institution is being conducted, or in a passenger  
17 transportation vehicle of the institution;

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

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

23 (4) on the premises of a racetrack;

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

25 (6) within 1,000 feet of premises the location of  
26 which is designated by the Texas Department of Criminal Justice as a  
27 place of execution under Article 43.19, Code of Criminal Procedure,

1 on a day that a sentence of death is set to be imposed on the  
2 designated premises and the person received notice that:

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

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

7 (c) In this section:

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

11 (2) "Premises" has the meaning assigned by Section  
12 46.035.

13 (3) [~~2~~] "Secured area" means an area of an airport  
14 terminal building to which access is controlled by the inspection  
15 of persons and property under federal law.

16 (j) Subsection (a)(1)(B) does not permit a person to possess  
17 a concealed handgun, or go with a concealed handgun, on the premises  
18 of a hospital maintained or operated by an institution of higher  
19 education or private or independent institution of higher education  
20 if the hospital gives effective notice under Section 30.06. In this  
21 subsection, "hospital" has the meaning assigned by Section 241.003,  
22 Health and Safety Code.

23 (k) Subsection (a)(1)(B) does not permit a person to possess  
24 a concealed handgun, or go with a concealed handgun, on the premises  
25 of a preschool, elementary school, or secondary school that is  
26 located on the premises of an institution of higher education or  
27 private or independent institution of higher education if the

1 institution gives effective notice under Section 30.06.

2 (1) Subsection (a)(1)(B) does not permit a person to possess  
3 a concealed handgun, or go with a concealed handgun, inside a  
4 building or a portion of a building that is in continuous use as a  
5 national biocontainment laboratory in which biological specimens  
6 are stored or used and that is located on the premises of an  
7 institution of higher education or private or independent  
8 institution of higher education and maintained or operated by the  
9 institution, if the institution gives effective notice under  
10 Section 30.06 with respect to that building or portion of that  
11 building. This subsection does not apply to any portion of a  
12 building to which students, faculty, staff, or the general public  
13 are granted unrestricted access.

14 SECTION 5. Section 46.035, Penal Code, is amended by  
15 amending Subsections (g), (h), and (j) and adding Subsections (a-1)  
16 and (l) to read as follows:

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

23 (1) on the premises of an institution of higher  
24 education or private or independent institution of higher  
25 education; or

26 (2) on any public or private driveway, street,  
27 sidewalk or walkway, parking lot, parking garage, or other parking



1 area of an institution of higher education or private or  
2 independent institution of higher education.

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

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

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

15 (1) Subsection (b)(2) does not apply on the premises where a  
16 collegiate sporting event is taking place if the actor was not given  
17 effective notice under Section 30.06.

18 SECTION 6. Section 46.035(f), Penal Code, is amended by  
19 adding Subdivision (1-a) to read as follows:

20 (1-a) "Institution of higher education" and "private  
21 or independent institution of higher education" have the meanings  
22 assigned by Section 61.003, Education Code.

23 SECTION 7. Section 411.208, Government Code, as amended by  
24 this Act, applies only to a cause of action that accrues on or after  
25 the effective date of this Act. A cause of action that accrues  
26 before the effective date of this Act is governed by the law in  
27 effect immediately before that date, and that law is continued in

1 effect for that purpose.

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

10           SECTION 9. This Act takes effect September 1, 2015.