

By: Kacal

H.B. No. 944

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

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

2 and

3 (C) the weapon is in plain view;

4 (2) who is a peace officer;

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

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

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

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

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

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

1 subsection does not apply to a person:

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

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

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

8 (C) the weapon is in plain view;

9 (2) who is a peace officer;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12           (b) The proof must be established by:

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

18           (2) a United States passport;

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

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

27           (5) an unexpired military identification card for

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

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

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

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

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

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

15 (11) a motor vehicle certificate of title;

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

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

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

22 (15) a voter registration certificate;

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

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

27 (18) a temporary driving permit or a temporary

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

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

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

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

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

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

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

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

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

27 (2) report the suspension to local law enforcement



1 agencies, as appropriate; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 SUBCHAPTER H. LICENSE TO CARRY A CONCEALED

16 OR UNCONCEALED HANDGUN

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

19 (8) "Unconcealed handgun" means a loaded or unloaded  
20 handgun carried upon the person in a shoulder or belt holster that  
21 is wholly or partially visible.

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

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

26 (1) is a legal resident of this state for the six-month  
27 period preceding the date of application under this subchapter or

1 is otherwise eligible for a license under Section 411.173(a);

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

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

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

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

10 (6) is not a chemically dependent person;

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

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

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

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

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

26 (12) is not currently restricted under a court  
27 protective order or subject to a restraining order affecting the

1 spousal relationship, other than a restraining order solely  
2 affecting property interests;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5           (4) proof of residency in this state;

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

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

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

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

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

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

24           (9) a form executed by the applicant that authorizes  
25 the director to make an inquiry into any noncriminal history  
26 records that are necessary to determine the applicant's eligibility  
27 for a license under Section [411.172\(a\)](#).

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

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

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

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

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

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

1 required by the department.

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

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

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



1 handgun instructor, the department shall take that action against  
2 the person's:

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

6 (2) certification as a qualified handgun instructor.

7 SECTION 25. Section 411.1901(c), Government Code, is  
8 amended to read as follows:

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

15 SECTION 26. Section 411.198(a), Government Code, is amended  
16 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27           (6) if the applicant is a retired judicial officer, a

1 form executed by the applicant that authorizes the department to  
2 make an inquiry into any noncriminal history records that are  
3 necessary to determine the applicant's eligibility for a license  
4 under this subchapter.

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

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

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

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

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

26 Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does  
27 not prevent or otherwise limit the right of a public or private

1 employer to prohibit persons who are licensed under this subchapter  
2 from carrying a concealed handgun or an unconcealed handgun on the  
3 premises of the business. In this section, "premises" has the  
4 meaning assigned by Section 46.035(f)(3), Penal Code.

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

7 (b) An institution of higher education or private or  
8 independent institution of higher education in this state may not  
9 adopt or enforce any rule, regulation, or other provision or take  
10 any other action, including posting notice under Section 30.06 or  
11 30.07, Penal Code, prohibiting or placing restrictions on the  
12 storage or transportation of a firearm or ammunition in a locked,  
13 privately owned or leased motor vehicle by a person, including a  
14 student enrolled at that institution, who holds a license to carry a  
15 concealed or unconcealed handgun under this subchapter and lawfully  
16 possesses the firearm or ammunition:

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

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

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

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

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

27 (2) an applicant for or holder of a license to carry a

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

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

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

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

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

24 (2) apply to:

25 (A) a vehicle owned or leased by a public or  
26 private employer and used by an employee in the course and scope of  
27 the employee's employment, unless the employee is required to

1 transport or store a firearm in the official discharge of the  
2 employee's duties;

3 (B) a school district;

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

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

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

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

24 (i) that contains the physical plant;

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

26 (iii) the ingress into which is constantly  
27 monitored by security personnel.

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

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

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

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

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

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

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

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

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

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

1           (2) Records Management and Preservation Fee (Sec.  
2 [118.0216](#)) . . . . . not more  
3 than \$5

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

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

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

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

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

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

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

26           (2) regulate the discharge of firearms or air guns  
27 within the limits of the municipality, other than at a sport



1 shooting range;

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

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

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

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

20 (A) public park;

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

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

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

27 (7) regulate the hours of operation of a sport

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

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

7 (A) public property; or

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

10 SECTION 36. The heading to Section 1701.260, Occupations  
11 Code, is amended to read as follows:

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

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

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

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

1 school marshal license is revoked may obtain recertification by:

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

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

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

11 (d) Section 62.081 does not apply to:

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

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

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

16 (4) a person who:

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

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

25 (e) A state agency, including the department, the  
26 Department of Public Safety, and the Lower Colorado River  
27 Authority, may not adopt a rule that prohibits a person who

1 possesses a license issued under Subchapter H, Chapter 411,  
2 Government Code, from entering or crossing the land of the Lower  
3 Colorado River Authority while:

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

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

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

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

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

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

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

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

26 SECTION 41. Section 30.06(a), Penal Code, is amended to  
27 read as follows:

1 (a) A license holder commits an offense if the license  
2 holder:

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

6 (2) received notice that:

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

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

11 SECTION 42. Chapter 30, Penal Code, is amended by adding  
12 Section 30.07 to read as follows:

13 Sec. 30.07. TRESPASS BY HOLDER OF LICENSE TO CARRY  
14 UNCONCEALED HANDGUN. (a) A license holder commits an offense if  
15 the license holder:

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

19 (2) received notice that:

20 (A) entry on the property by a license holder  
21 openly carrying an unconcealed handgun was forbidden; or

22 (B) remaining on the property while openly  
23 carrying an unconcealed handgun was forbidden and failed to depart.

24 (b) For purposes of this section, a person receives notice  
25 if the owner of the property or someone with apparent authority to  
26 act for the owner provides notice to the person by oral or written  
27 communication.

1        (c) In this section:

2            (1) "Entry" has the meaning assigned by Section  
3 30.05(b).

4            (2) "License holder" has the meaning assigned by  
5 Section 46.035(f).

6            (3) "Written communication" means:

7                    (A) a card or other document on which is written  
8 language identical to the following: "Pursuant to Section 30.07,  
9 Penal Code (trespass by holder of license to carry an unconcealed  
10 handgun), a person licensed under Subchapter H, Chapter 411,  
11 Government Code, may not enter this property with an unconcealed  
12 handgun that is carried openly"; or

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

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

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

18                            (iii) is displayed in a conspicuous manner  
19 clearly visible to the public at each entrance to the property.

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

21            (e) It is an exception to the application of this section  
22 that the property on which the license holder openly carries the  
23 unconcealed handgun is owned or leased by a governmental entity and  
24 is not a premises or other place on which the license holder is  
25 prohibited from carrying the handgun under Section 46.03 or 46.035.

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

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

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

9 (2) the person is:

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (5) in an amusement park; or

27 (6) on the premises of a church, synagogue, or other



1 established place of religious worship.

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

7 (d) A license holder commits an offense if, while  
8 intoxicated, the license holder carries a handgun under the  
9 authority of Subchapter H, Chapter 411, Government Code, regardless  
10 of whether the handgun is concealed or carried in a shoulder or belt  
11 holster.

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

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

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

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

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

27 (A) engaged in the actual discharge of the

1 officer's duties while carrying the weapon; and

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

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

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

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

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

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

24 (A) an honorably retired peace officer;

25 (B) a qualified retired law enforcement officer;

26 (C) a federal criminal investigator; or

27 (D) a former reserve law enforcement officer who

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

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

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

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

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

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

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

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

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

23 (2) is traveling;

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

1 commonly used in the activity;

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

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

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

15 (B) is either:

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

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

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

26 (7) holds an alcoholic beverage permit or license or  
27 is an employee of a holder of an alcoholic beverage permit or

1 license if the person is supervising the operation of the permitted  
2 or licensed premises; or

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

6 (A) on the immediate premises where the activity  
7 is conducted; or

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

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

14 (1) holds a license issued under Subchapter H, Chapter  
15 411, Government Code, regardless of whether the person's license  
16 was issued before, on, or after the effective date of this Act; or

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

20 SECTION 48. The changes in law made by this Act to Sections  
21 30.05, 30.06, 46.02, 46.03, 46.035, and 46.15, Penal Code, apply  
22 only to an offense committed on or after the effective date of this  
23 Act. An offense committed before the effective date of this Act is  
24 governed by the law in effect when the offense was committed, and  
25 the former law is continued in effect for that purpose. For  
26 purposes of this section, an offense was committed before the  
27 effective date of this Act if any element of the offense occurred

1 before that date.

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