

By: Estes

S.B. No. 346

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of a person who is licensed to carry a
3 handgun to openly carry a holstered handgun; creating a criminal
4 offense; providing penalties.

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

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

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

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

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

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

24 (A) the person is engaged in the performance of

1 the person's duties as a security officer;

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

3 and

4 (C) the weapon is in plain view;

5 (2) who is a peace officer;

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

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

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

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

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

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

27 SECTION 7. Article 17.293, Code of Criminal Procedure, is

1 amended to read as follows:

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

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

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

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

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

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

1 and minimal danger to others.

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

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

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

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

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

14 SECTION 9. Section 63.0101, Election Code, is amended to
15 read as follows:

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

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

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

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

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

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

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

10 (b) The proof must be established by:

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

16 (2) a United States passport;

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

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

25 (5) an unexpired military identification card for
26 active duty, reserve, or retired personnel with an identification
27 photograph;

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

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

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

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

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

13 (11) a motor vehicle certificate of title;

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

16 (13) an unexpired military dependent identification
17 card;

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

20 (15) a voter registration certificate;

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

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

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

27 (19) an offender identification card issued by the

1 Texas Department of Criminal Justice.

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

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

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

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

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

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

23 (1) record the suspension of the license in the
24 records of the department;

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

27 (3) demand surrender of the suspended license from the

1 license holder.

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

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

6 SECTION 15. Section 411.0625, Government Code, is amended
7 to read as follows:

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

14 (1) obtains from the department a Capitol access pass;
15 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (6) is not a chemically dependent person;

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

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

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

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

15 (11) has not been finally determined to be delinquent
16 in the payment of a tax or other money collected by the comptroller,
17 the tax collector of a political subdivision of the state, or any
18 agency or subdivision of the state;

19 (12) is not currently restricted under a court
20 protective order or subject to a restraining order affecting the
21 spousal relationship, other than a restraining order solely
22 affecting property interests;

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

26 (14) has not made any material misrepresentation, or
27 failed to disclose any material fact, in an application submitted

1 pursuant to Section 411.174.

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

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

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

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

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

15 (2) was discharged under honorable conditions, if
16 discharged from the United States armed forces, reserves, or
17 national guard; and

18 (3) meets the other eligibility requirements of
19 Subsection (a) except for the minimum age required by federal law to
20 purchase a handgun.

21 (h) The issuance of a license to carry a [~~concealed~~] handgun
22 to a person eligible under Subsection (g) does not affect the
23 person's ability to purchase a handgun or ammunition under federal
24 law.

25 SECTION 18. Section 411.173(b), Government Code, is amended
26 to read as follows:

27 (b) The governor shall negotiate an agreement with any other

1 state that provides for the issuance of a license to carry a
2 [~~concealed~~] handgun under which a license issued by the other state
3 is recognized in this state or shall issue a proclamation that a
4 license issued by the other state is recognized in this state if the
5 attorney general of the State of Texas determines that a background
6 check of each applicant for a license issued by that state is
7 initiated by state or local authorities or an agent of the state or
8 local authorities before the license is issued. For purposes of
9 this subsection, "background check" means a search of the National
10 Crime Information Center database and the Interstate
11 Identification Index maintained by the Federal Bureau of
12 Investigation.

13 SECTION 19. Section [411.174](#)(a), Government Code, is amended
14 to read as follows:

15 (a) An applicant for a license to carry a [~~concealed~~]
16 handgun must submit to the director's designee described by Section
17 [411.176](#):

18 (1) a completed application on a form provided by the
19 department that requires only the information listed in Subsection
20 (b);

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

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

25 (4) proof of residency in this state;

26 (5) two complete sets of legible and classifiable
27 fingerprints of the applicant taken by a person appropriately

1 trained in recording fingerprints who is employed by a law
2 enforcement agency or by a private entity designated by a law
3 enforcement agency as an entity qualified to take fingerprints of
4 an applicant for a license under this subchapter;

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

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

9 (8) an affidavit signed by the applicant stating that
10 the applicant:

11 (A) has read and understands each provision of
12 this subchapter that creates an offense under the laws of this state
13 and each provision of the laws of this state related to use of
14 deadly force; and

15 (B) fulfills all the eligibility requirements
16 listed under Section 411.172; and

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

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

23 (a) The department shall issue a license to carry a
24 ~~concealed~~ handgun to an applicant if the applicant meets all the
25 eligibility requirements and submits all the application
26 materials. The department shall administer the licensing
27 procedures in good faith so that any applicant who meets all the

1 eligibility requirements and submits all the application materials
2 shall receive a license. The department may not deny an application
3 on the basis of a capricious or arbitrary decision by the
4 department.

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

7 (c) The director by rule shall adopt an informational form
8 that describes state law regarding the use of deadly force and the
9 places where it is unlawful for the holder of a license issued under
10 this subchapter to carry a ~~concealed~~ handgun. An applicant for a
11 renewed license must sign and return the informational form to the
12 department by mail or acknowledge the form electronically on the
13 Internet according to the procedure adopted under Subsection (f).

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

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

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

22 (c) In the manner applicable to a person who applies for a
23 license to carry a ~~concealed~~ handgun, the department shall
24 conduct a background check of a person who applies for
25 certification as a qualified handgun instructor. If the background
26 check indicates that the applicant for certification would not
27 qualify to receive a handgun license, the department may not

1 certify the applicant as a qualified handgun instructor. If the
2 background check indicates that the applicant for certification
3 would qualify to receive a handgun license, the department shall
4 provide handgun instructor training to the applicant. The
5 applicant shall pay a fee of \$100 to the department for the
6 training. The applicant must take and successfully complete the
7 training offered by the department and pay the training fee before
8 the department may certify the applicant as a qualified handgun
9 instructor. The department shall issue a license to carry a
10 ~~concealed~~ handgun under the authority of this subchapter to any
11 person who is certified as a qualified handgun instructor and who
12 pays to the department a fee of \$100 in addition to the training
13 fee. The department by rule may prorate or waive the training fee
14 for an employee of another governmental entity.

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

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

23 (2) certification as a qualified handgun instructor.

24 SECTION 24. Section [411.1901\(c\)](#), Government Code, is
25 amended to read as follows:

26 (c) A qualified handgun instructor certified in school
27 safety under this section may provide school safety training,

1 including instruction in the subjects listed under Subsection (a),
2 to employees of a school district or an open-enrollment charter
3 school who hold a license to carry a ~~[concealed]~~ handgun issued
4 under this subchapter.

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

7 (a) On written approval of the director, the department may
8 issue to a law enforcement officer an alias license to carry a
9 ~~[concealed]~~ handgun to be used in supervised activities involving
10 criminal investigations.

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

13 (c) An active judicial officer is eligible for a license to
14 carry a ~~[concealed]~~ handgun under the authority of this subchapter.
15 A retired judicial officer is eligible for a license to carry a
16 ~~[concealed]~~ handgun under the authority of this subchapter if the
17 officer:

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

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

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

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

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

27 (d) An applicant for a license who is an active or retired

1 judicial officer must submit to the department:

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

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

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

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

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

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

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

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

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

1 conduct an appropriate background investigation to determine the
2 applicant's eligibility for the license and, if the applicant is
3 eligible, issue a license to carry a [~~concealed~~] handgun under the
4 authority of this subchapter.

5 (h) The department shall issue a license to carry a
6 [~~concealed~~] handgun under the authority of this subchapter to an
7 elected attorney representing the state in the prosecution of
8 felony cases who meets the requirements of this section for an
9 active judicial officer. The department shall waive any fee
10 required for the issuance of an original, duplicate, or renewed
11 license under this subchapter for an applicant who is an attorney
12 elected or employed to represent the state in the prosecution of
13 felony cases.

14 SECTION 27. Section 411.203, Government Code, is amended to
15 read as follows:

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

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

24 (b) An institution of higher education or private or
25 independent institution of higher education in this state may not
26 adopt or enforce any rule, regulation, or other provision or take
27 any other action, including posting notice under Section 30.06 or

1 30.07, Penal Code, prohibiting or placing restrictions on the
2 storage or transportation of a firearm or ammunition in a locked,
3 privately owned or leased motor vehicle by a person, including a
4 student enrolled at that institution, who holds a license to carry a
5 [~~concealed~~] handgun under this subchapter and lawfully possesses
6 the firearm or ammunition:

7 (1) on a street or driveway located on the campus of
8 the institution; or

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

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

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

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

17 (2) an applicant for or holder of a license to carry a
18 [~~concealed~~] handgun under the authority of Subchapter H, Chapter
19 411, Government Code, or an applicant for or holder of a commission
20 as a security officer under Chapter 1702, Occupations Code, is
21 capable of exercising sound judgment with respect to the proper use
22 and storage of a handgun.

23 SECTION 30. Sections 52.061 and 52.062, Labor Code, are
24 amended to read as follows:

25 Sec. 52.061. RESTRICTION ON PROHIBITING EMPLOYEE ACCESS TO
26 OR STORAGE OF FIREARM OR AMMUNITION. A public or private employer
27 may not prohibit an employee who holds a license to carry a

1 ~~[concealed]~~ handgun under Subchapter H, Chapter 411, Government
2 Code, who otherwise lawfully possesses a firearm, or who lawfully
3 possesses ammunition from transporting or storing a firearm or
4 ammunition the employee is authorized by law to possess in a locked,
5 privately owned motor vehicle in a parking lot, parking garage, or
6 other parking area the employer provides for employees.

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

8 (1) authorize a person who holds a license to carry a
9 ~~[concealed]~~ handgun under Subchapter H, Chapter 411, Government
10 Code, who otherwise lawfully possesses a firearm, or who lawfully
11 possesses ammunition to possess a firearm or ammunition on any
12 property where the possession of a firearm or ammunition is
13 prohibited by state or federal law; or

14 (2) apply to:

15 (A) a vehicle owned or leased by a public or
16 private employer and used by an employee in the course and scope of
17 the employee's employment, unless the employee is required to
18 transport or store a firearm in the official discharge of the
19 employee's duties;

20 (B) a school district;

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

23 (D) a private school, as defined by Section
24 22.081, Education Code;

25 (E) property owned or controlled by a person,
26 other than the employer, that is subject to a valid, unexpired oil,
27 gas, or other mineral lease that contains a provision prohibiting

1 the possession of firearms on the property; or

2 (F) property owned or leased by a chemical
3 manufacturer or oil and gas refiner with an air authorization under
4 Chapter 382, Health and Safety Code, and on which the primary
5 business conducted is the manufacture, use, storage, or
6 transportation of hazardous, combustible, or explosive materials,
7 except in regard to an employee who holds a license to carry a
8 ~~concealed~~ handgun under Subchapter H, Chapter 411, Government
9 Code, and who stores a firearm or ammunition the employee is
10 authorized by law to possess in a locked, privately owned motor
11 vehicle in a parking lot, parking garage, or other parking area the
12 employer provides for employees that is outside of a secured and
13 restricted area:

- 14 (i) that contains the physical plant;
15 (ii) that is not open to the public; and
16 (iii) the ingress into which is constantly
17 monitored by security personnel.

18 (b) Section 52.061 does not prohibit an employer from
19 prohibiting an employee who holds a license to carry a ~~concealed~~
20 handgun under Subchapter H, Chapter 411, Government Code, or who
21 otherwise lawfully possesses a firearm, from possessing a firearm
22 the employee is otherwise authorized by law to possess on the
23 premises of the employer's business. In this subsection,
24 "premises" has the meaning assigned by Section 46.035(f)(3), Penal
25 Code.

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

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

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

5 (2) Records Management and Preservation Fee (Sec.
6 118.0216) not more than
7 \$10

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

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

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

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

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

18 (2) Records Management and Preservation Fee (Sec.
19 118.0216) not more
20 than \$5

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

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

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

27 (a) The fee for a "mental health background check for

1 license to carry a handgun [~~concealed weapon~~]" is for a check,
2 conducted by the county clerk at the request of the Texas Department
3 of Public Safety, of the county records involving the mental
4 condition of a person who applies for a license to carry a
5 [~~concealed~~] handgun under Subchapter H, Chapter 411, Government
6 Code. The fee, not to exceed \$2, will be paid from the application
7 fee submitted to the Department of Public Safety according to
8 Section 411.174(a)(6), Government Code.

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

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

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

16 (2) regulate the discharge of firearms or air guns
17 within the limits of the municipality, other than at a sport
18 shooting range;

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

24 (4) regulate the use of firearms or air guns in the
25 case of an insurrection, riot, or natural disaster if the
26 municipality finds the regulations necessary to protect public
27 health and safety;

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

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

9 (A) public park;

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

12 (C) political rally, parade, or official
13 political meeting; or

14 (D) nonfirearms-related school, college, or
15 professional athletic event;

16 (7) regulate the hours of operation of a sport
17 shooting range, except that the hours of operation may not be more
18 limited than the least limited hours of operation of any other
19 business in the municipality other than a business permitted or
20 licensed to sell or serve alcoholic beverages for on-premises
21 consumption; or

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

23 (A) public property; or

24 (B) private property without consent of the
25 property owner.

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

1 Sec. 1701.260. TRAINING FOR HOLDERS OF LICENSE TO CARRY A
2 ~~[CONCEALED]~~ HANDGUN; CERTIFICATION OF ELIGIBILITY FOR APPOINTMENT
3 AS SCHOOL MARSHAL.

4 SECTION 36. Sections 1701.260(a) and (i), Occupations Code,
5 are amended to read as follows:

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

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

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

20 (2) completing the initial training under Subsection
21 (c) to the satisfaction of the commission staff, paying the fee for
22 the training, and demonstrating psychological fitness on the
23 psychological examination described in Subsection (d).

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

26 (b) An individual who is acting as a personal protection
27 officer and is wearing the uniform of a security officer, including

1 any uniform or apparel described by Section 1702.323(d), may not
2 conceal any firearm the individual is carrying and shall carry the
3 firearm in plain view. An individual who is acting as a personal
4 protection officer and is not wearing the uniform of a security
5 officer shall conceal the firearm, regardless of whether the
6 individual is authorized to openly carry the firearm under any
7 other law.

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

10 (d) Section 62.081 does not apply to:

- 11 (1) an employee of the Lower Colorado River Authority;
12 (2) a person authorized to hunt under Subsection (c);
13 (3) a peace officer as defined by Article 2.12, Code of
14 Criminal Procedure; or

15 (4) a person who:

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

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

23 (e) A state agency, including the department, the
24 Department of Public Safety, and the Lower Colorado River
25 Authority, may not adopt a rule that prohibits a person who
26 possesses a license issued under Subchapter H, Chapter 411,
27 Government Code, from entering or crossing the land of the Lower

1 Colorado River Authority while:

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

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

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

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

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

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

14 (1) the basis on which entry on the property or land or
15 in the building was forbidden is that entry with a handgun was
16 forbidden; and

17 (2) the person was carrying:

18 (A) a [~~concealed handgun and a~~] license issued
19 under Subchapter H, Chapter 411, Government Code, to carry a
20 [~~concealed~~] handgun; and

21 (B) a handgun:

22 (i) in a concealed manner; or

23 (ii) in a shoulder or belt holster.

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

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

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

3 (a) A license holder commits an offense if the license
4 holder:

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

8 (2) received notice that:

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

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

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

15 (3) "Written communication" means:

16 (A) a card or other document on which is written
17 language identical to the following: "Pursuant to Section 30.06,
18 Penal Code (trespass by license holder with [~~of license to carry~~] a
19 concealed handgun), a person licensed under Subchapter H, Chapter
20 411, Government Code (~~[concealed]~~ handgun licensing law), may not
21 enter this property with a concealed handgun"; or

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

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

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

27 (iii) is displayed in a conspicuous manner

1 clearly visible to the public.

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

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

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

10 (2) received notice that:

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

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

15 (b) For purposes of this section, a person receives notice
16 if the owner of the property or someone with apparent authority to
17 act for the owner provides notice to the person by oral or written
18 communication.

19 (c) In this section:

20 (1) "Entry" has the meaning assigned by Section
21 30.05(b).

22 (2) "License holder" has the meaning assigned by
23 Section 46.035(f).

24 (3) "Written communication" means:

25 (A) a card or other document on which is written
26 language identical to the following: "Pursuant to Section 30.07,
27 Penal Code (trespass by license holder with an openly carried

1 handgun), a person licensed under Subchapter H, Chapter 411,
2 Government Code (handgun licensing law), may not enter this
3 property with a handgun that is carried openly"; or

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

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

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

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

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

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

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

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

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

25 (1) the handgun is in plain view, unless the person is
26 licensed to carry a handgun under Subchapter H, Chapter 411,
27 Government Code, and the handgun is carried in a shoulder or belt

1 holster; or

2 (2) the person is:

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

6 (B) prohibited by law from possessing a firearm;
7 or

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

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

12 (f) It is not a defense to prosecution under this section
13 that the actor possessed a handgun and was licensed to carry a
14 ~~[concealed]~~ handgun under Subchapter H, Chapter 411, Government
15 Code.

16 SECTION 47. Sections 46.035(a), (b), (c), (d), and (i),
17 Penal Code, are amended to read as follows:

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

25 (b) A license holder commits an offense if the license
26 holder intentionally, knowingly, or recklessly carries a handgun
27 under the authority of Subchapter H, Chapter 411, Government Code,

1 regardless of whether the handgun is concealed or carried in a
2 shoulder or belt holster, on or about the license holder's person:

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

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

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

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

19 (5) in an amusement park; or

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

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

27 (d) A license holder commits an offense if, while

1 intoxicated, the license holder carries a handgun under the
2 authority of Subchapter H, Chapter 411, Government Code, regardless
3 of whether the handgun is concealed or carried in a shoulder or belt
4 holster.

5 (i) Subsections (b)(4), (b)(5), (b)(6), and (c) do not apply
6 if the actor was not given effective notice under Section 30.06 or
7 30.07.

8 SECTION 48. Sections 46.15(a) and (b), Penal Code, are
9 amended to read as follows:

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

11 (1) peace officers or special investigators under
12 Article 2.122, Code of Criminal Procedure, and neither section
13 prohibits a peace officer or special investigator from carrying a
14 weapon in this state, including in an establishment in this state
15 serving the public, regardless of whether the peace officer or
16 special investigator is engaged in the actual discharge of the
17 officer's or investigator's duties while carrying the weapon;

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

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

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

25 (3) community supervision and corrections department
26 officers appointed or employed under Section 76.004, Government
27 Code, and neither section prohibits an officer from carrying a

1 weapon in this state if the officer is:

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

4 (B) authorized to carry a weapon under Section
5 76.0051, Government Code;

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

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

16 (A) an honorably retired peace officer;

17 (B) a qualified retired law enforcement officer;

18 (C) a federal criminal investigator; or

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

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

26 (7) an assistant district attorney, assistant
27 criminal district attorney, or assistant county attorney who is

1 licensed to carry a [~~concealed~~] handgun under Subchapter H, Chapter
2 411, Government Code;

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

5 (A) licensed to carry a [~~concealed~~] handgun under
6 Subchapter H, Chapter 411, Government Code; and

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

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

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

11 (1) is in the actual discharge of official duties as a
12 member of the armed forces or state military forces as defined by
13 Section 437.001, Government Code, or as a guard employed by a penal
14 institution;

15 (2) is traveling;

16 (3) is engaging in lawful hunting, fishing, or other
17 sporting activity on the immediate premises where the activity is
18 conducted, or is en route between the premises and the actor's
19 residence, motor vehicle, or watercraft, if the weapon is a type
20 commonly used in the activity;

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

27 (5) acts as a personal protection officer and carries

1 the person's security officer commission and personal protection
2 officer authorization, if the person:

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

7 (B) is either:

8 (i) wearing the uniform of a security
9 officer, including any uniform or apparel described by Section
10 1702.323(d), Occupations Code, and carrying the officer's weapon in
11 plain view; or

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

14 (6) is carrying:

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

18 (B) a handgun:

19 (i) in a concealed manner; or

20 (ii) in a shoulder or belt holster;

21 (7) holds an alcoholic beverage permit or license or
22 is an employee of a holder of an alcoholic beverage permit or
23 license if the person is supervising the operation of the permitted
24 or licensed premises; or

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

1 (A) on the immediate premises where the activity
2 is conducted; or

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

5 SECTION 49. Section [411.171\(3\)](#), Government Code, is
6 repealed.

7 SECTION 50. The change in law made by this Act relating to
8 the authority of a license holder to openly carry a holstered
9 handgun applies to the carrying of a handgun on or after the
10 effective date of this Act by any person who:

11 (1) holds a license issued under Subchapter H, Chapter
12 411, Government Code, regardless of whether the person's license
13 was issued before, on, or after the effective date of this Act; or

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

17 SECTION 51. The changes in law made by this Act to Sections
18 [62.082](#) and [284.001](#), Parks and Wildlife Code, and to Sections [30.05](#),
19 [30.06](#), [46.02](#), [46.03](#), [46.035](#), and [46.15](#), Penal Code, apply only to an
20 offense committed on or after the effective date of this Act. An
21 offense committed before the effective date of this Act is governed
22 by the law in effect on the date the offense was committed, and the
23 former law is continued in effect for that purpose. For purposes of
24 this section, an offense was committed before the effective date of
25 this Act if any element of the offense occurred before that date.

26 SECTION 52. Except as otherwise provided by this Act, this
27 Act takes effect September 1, 2015.