

BILL ANALYSIS

C.S.H.B. 606
By: Springer
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the liability of a person who allows handguns to be carried on property owned, leased, or managed by the person should be limited. C.S.H.B. 606 seeks to provide for such limited liability.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 606 amends the Civil Practice and Remedies Code to establish that there is no cause of action against an owner, lessee, or manager of property based on the owner's, lessee's, or manager's decision not to exercise the option to forbid the carrying of handguns by the holder of a handgun license issued in Texas or by another state and recognized in Texas on the property by providing notice under the Penal Code that a license holder may not enter the property with a concealed or openly carried handgun.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 606 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 95A to read as follows:

CHAPTER 95A. LIMITED LIABILITY FOR CERTAIN PERSONS WHO ALLOW HANDGUNS

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 95A to read as follows:

CHAPTER 95A. LIMITED LIABILITY FOR CERTAIN PERSONS WHO ALLOW HANDGUNS

85R 27188

17.118.887

Substitute Document Number: 85R 21909

Sec. 95A.001. DEFINITION.

Sec. 95A.002. LIMITED LIABILITY FOR CERTAIN PERSONS WHO ALLOW HANDGUNS. (a) Except as provided by Subsection (b), a person, including a business or other entity, who owns, controls, or manages property and who has authority to forbid the carrying of handguns on the property is immune from civil liability with respect to any claim that is based on the person's failure to exercise the option to forbid the carrying of handguns by a license holder on the property by providing notice under Sections 30.06 and 30.07, Penal Code.

(b) This section does not limit the liability of a person for an injury caused by the person's gross negligence.

SECTION 2. Chapter 95A, Civil Practice and Remedies Code, as added by this Act, does not apply to a cause of action that accrued before the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by the law applicable to the cause of action immediately before that date, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2017.

Sec. 95A.001. DEFINITION.

Sec. 95A.002. LIMITED LIABILITY FOR CERTAIN PERSONS WHO ALLOW HANDGUNS. There is no cause of action against an owner, lessee, or manager of property based on the owner's, lessee's, or manager's decision not to exercise the option to forbid the carrying of handguns by a license holder on the property by providing notice under Sections 30.06 and 30.07, Penal Code.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.