

By: Anchia

H.B. No. 282

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the carrying of handguns on the campuses of and certain  
3 other locations associated with institutions of higher education.

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

5 SECTION 1. Section 411.2031(e), Government Code, is amended  
6 to read as follows:

7 (e) An institution of higher education or [A] private or  
8 independent institution of higher education in this state, after  
9 consulting with students, staff, and faculty of the institution,  
10 may establish rules, regulations, or other provisions prohibiting  
11 license holders from carrying handguns on the campus of the  
12 institution, any grounds or building on which an activity sponsored  
13 by the institution is being conducted, or a passenger  
14 transportation vehicle owned by the institution.

15 SECTION 2. Sections 411.208(a), (b), and (d), Government  
16 Code, are amended to read as follows:

17 (a) A court may not hold the state, an agency or subdivision  
18 of the state, an officer or employee of the state, an institution of  
19 higher education [~~an officer~~] or [~~employee of an institution of~~  
20 ~~higher education,~~ a] private or independent institution of higher  
21 education that has not adopted rules under Section 411.2031(e), an  
22 officer or employee of an institution of higher education or [a]  
23 private or independent institution of higher education that has not  
24 adopted rules under Section 411.2031(e), a peace officer, or a

1 qualified handgun instructor liable for damages caused by:

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

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

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

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

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

1 act or failure to act was capricious or arbitrary; or

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

8 SECTION 3. Section 46.035(a-2), Penal Code, is amended to  
9 read as follows:

10 (a-2) Notwithstanding Subsection (a) or Section 46.03(a), a  
11 license holder commits an offense if the license holder carries a  
12 handgun on the campus of an institution of higher education or [a]  
13 private or independent institution of higher education in this  
14 state that has established rules, regulations, or other provisions  
15 prohibiting license holders from carrying handguns pursuant to  
16 Section 411.2031(e), Government Code, or on the grounds or building  
17 on which an activity sponsored by such an institution is being  
18 conducted, or in a passenger transportation vehicle of such an  
19 institution, regardless of whether the handgun is concealed,  
20 provided the institution gives effective notice under Section  
21 30.06.

22 SECTION 4. Section 46.035(g), Penal Code, as amended by  
23 Chapters 437 (H.B. 910) and 438 (S.B. 11), Acts of the 84th  
24 Legislature, Regular Session, 2015, is reenacted and amended to  
25 read as follows:

26 (g) An offense under this section [~~(a-1), (a-2), (a-3),~~] is  
27 a Class A misdemeanor, unless the offense is committed under

1 Subsection (b)(1) or (b)(3), in which event the offense is a felony  
2 of the third degree.

3 SECTION 5. Sections 46.035(h) and (j), Penal Code, as  
4 amended by Chapters 437 (H.B. 910) and 438 (S.B. 11), Acts of the  
5 84th Legislature, Regular Session, 2015, are reenacted and amended  
6 to read as follows:

7 (h) It is a defense to prosecution under Subsection (a),  
8 (a-1), or (a-2) [~~, or (a-3)~~] that the actor, at the time of the  
9 commission of the offense, displayed the handgun under  
10 circumstances in which the actor would have been justified in the  
11 use of force or deadly force under Chapter 9.

12 (j) Subsections (a), (a-1), (a-2), [~~(a-3)~~] and (b)(1) do  
13 not apply to a historical reenactment performed in compliance with  
14 the rules of the Texas Alcoholic Beverage Commission.

15 SECTION 6. The following laws are repealed:

16 (1) Sections 411.2031(c), (d-1), (d-2), (d-3), and  
17 (d-4), Government Code; and

18 (2) Section 46.035(a-3), Penal Code.

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

25 SECTION 8. The change in law made by this Act applies only  
26 to an offense committed on or after the effective date of this Act.  
27 An offense committed before the effective date of this Act is

1 governed by the law in effect on the date the offense was committed,  
2 and the former law is continued in effect for that purpose. For  
3 purposes of this section, an offense was committed before the  
4 effective date of this Act if any element of the offense occurred  
5 before that date.

6 SECTION 9. This Act takes effect September 1, 2017.