

By: Howard

H.B. No. 392

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain offenses involving the carrying of handguns by  
3 license holders on the premises of certain hospitals, mental health  
4 facilities, and nursing facilities.

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

6 SECTION 1. Section 411.204, Government Code, is amended by  
7 amending Subsection (b) and adding Subsection (f) to read as  
8 follows:

9 (b) A hospital, mental health facility [~~licensed under~~  
10 ~~Chapter 241, Health and Safety Code~~], or [a] nursing facility [~~home~~  
11 ~~licensed under Chapter 242, Health and Safety Code,~~] shall  
12 prominently display at each entrance to the hospital or facility  
13 [~~nursing home~~], as appropriate, a sign that complies with the  
14 requirements of Subsection (c) other than the requirement that the  
15 sign include on its face the number "51".

16 (f) In this section:

17 (1) "Hospital" has the meaning assigned by Section  
18 241.003, Health and Safety Code.

19 (2) "Mental health facility" has the meaning assigned  
20 by Section 571.003, Health and Safety Code.

21 (3) "Nursing facility" has the meaning assigned by  
22 Section 242.301, Health and Safety Code.

23 SECTION 2. Section 46.03, Penal Code, is amended by adding  
24 Subsection (j) to read as follows:

1        (j) Subsection (a)(1)(B) does not permit a person to possess  
2 a concealed handgun, or go with a concealed handgun, on the premises  
3 of a hospital or mental health facility maintained or operated by an  
4 institution of higher education or private or independent  
5 institution of higher education if the hospital or facility gives  
6 effective notice under Section 30.06 or under Section 411.204,  
7 Government Code. In this subsection, "hospital" has the meaning  
8 assigned by Section 241.003, Health and Safety Code, and "mental  
9 health facility" has the meaning assigned by Section 571.003,  
10 Health and Safety Code.

11        SECTION 3. Section 46.035, Penal Code, is amended by  
12 amending Subsections (b) and (i) and adding Subsection (i-1) to  
13 read as follows:

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

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

25            (2) on the premises where a high school, collegiate,  
26 or professional sporting event or interscholastic event is taking  
27 place, unless the license holder is a participant in the event and a

1 handgun is used in the event;

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

3 (4) on the premises of a hospital, mental health  
4 facility [~~licensed under Chapter 241, Health and Safety Code~~], or  
5 [~~on the premises of a~~] nursing facility [~~licensed under Chapter~~  
6 ~~242, Health and Safety Code,~~] unless the license holder has written  
7 authorization of the administration of the hospital or [~~nursing~~]  
8 facility [~~administration~~], as appropriate;

9 (5) in an amusement park; or

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

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

15 (i-1) Subsection (b)(4) does not apply if the actor was not  
16 given effective notice under Section 30.06 or 30.07 or under  
17 Section 411.204, Government Code.

18 SECTION 4. Section 46.035(f), Penal Code, is amended by  
19 amending Subdivision (1-a) and adding Subdivisions (1-b), (2-a),  
20 and (2-b) to read as follows:

21 (1-a) "Hospital" has the meaning assigned by Section  
22 241.003, Health and Safety Code.

23 (1-b) "Institution of higher education" and "private  
24 or independent institution of higher education" have the meanings  
25 assigned by Section 61.003, Education Code.

26 (2-a) "Mental health facility" has the meaning  
27 assigned by Section 571.003, Health and Safety Code.

1           (2-b) "Nursing facility" has the meaning assigned by  
2 Section 242.301, Health and Safety Code.

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

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