

By: Keough

H.B. No. 556

A BILL TO BE ENTITLED

AN ACT

relating to the civil liability of certain persons in connection with allowing or forbidding handguns on the premises of a business or apartment complex.

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

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

CHAPTER 95A. LIABILITY OF CERTAIN PERSONS IN CONNECTION WITH ALLOWING OR FORBIDDING HANDGUNS ON CERTAIN PREMISES

Sec. 95A.001. DEFINITIONS. In this chapter:

(1) "Apartment complex" means two or more dwellings in one or more buildings that are owned by the same owner, located on the same lot or tract, and managed by the same owner, agent, or management company.

(2) "License holder" means a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code.

Sec. 95A.002. LIABILITY OF CERTAIN PERSONS THAT FORBID HANDGUNS. (a) This section does not apply to an entity required to display a sign under Section 411.204, Government Code.

(b) A person with control over the premises of a business or an apartment complex who forbids entry on the premises by a license holder with a concealed handgun is strictly liable to a license holder who would otherwise have carried a concealed handgun onto the premises for damages for personal injury or death resulting

1 from an occurrence on the premises:

2 (1) in which the license holder would have been
3 justified in using deadly force; and

4 (2) that could have been prevented by the otherwise
5 lawful use of a handgun by the license holder.

6 Sec. 95A.003. IMMUNITY OF CERTAIN PERSONS THAT ALLOW
7 HANDGUNS. A person with control over the premises of a business or
8 an apartment complex who allows entry on the premises by a license
9 holder with a handgun is not liable based solely on that permission
10 for damages arising from the lawful carrying of a handgun on the
11 premises.

12 Sec. 95A.004. ORAL OR WRITTEN COMMUNICATION. For purposes
13 of this chapter:

14 (1) an oral or written communication that constitutes
15 notice for purposes of Section 30.06, Penal Code, is sufficient to
16 constitute forbidding entry on the premises by a license holder
17 with a concealed handgun; and

18 (2) the lack of an oral or written communication that
19 constitutes notice for purposes of Section 30.06 or 30.07, Penal
20 Code, is sufficient to constitute allowing entry on the premises by
21 a license holder with a concealed or openly carried handgun, as
22 applicable.

23 SECTION 2. (a) Section 95A.002, Civil Practice and
24 Remedies Code, as added by this Act, applies only to a cause of
25 action that accrues on or after the effective date of this Act. A
26 cause of action that accrues before the effective date of this Act
27 is governed by the law applicable to the cause of action immediately

1 before that date, and that law is continued in effect for that
2 purpose.

3 (b) Section 95A.003, Civil Practice and Remedies Code, as
4 added by this Act, does not apply to a cause of action that accrued
5 before the effective date of this Act. A cause of action that
6 accrued before the effective date of this Act is governed by the law
7 applicable to the cause of action immediately before that date, and
8 that law is continued in effect for that purpose.

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