

By: White

H.B. No. 1911

A BILL TO BE ENTITLED

AN ACT

1
2 relating to granting authority to carry a firearm to an unlicensed
3 person who otherwise meets certain requirements for a handgun
4 license and to related criminal offenses; creating a criminal
5 offense.

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

7 SECTION 1. Chapter 506, Business & Commerce Code, as added
8 by Chapter 794 (H.B. 2739), Acts of the 84th Legislature, Regular
9 Session, 2015, is amended to read as follows:

10 CHAPTER 506. LICENSE TO CARRY [~~CONCEALED~~] HANDGUN [~~LICENSES~~] AS
11 VALID FORM [~~FORMS~~] OF PERSONAL IDENTIFICATION

12 Sec. 506.001. [~~CONCEALED HANDGUN~~] LICENSE TO CARRY HANDGUN
13 AS VALID PROOF OF IDENTIFICATION. (a) A person may not deny the
14 holder of a [~~concealed~~] handgun license issued under Subchapter H,
15 Chapter 411, Government Code, access to goods, services, or
16 facilities, except as provided by Section 521.460, Transportation
17 Code, or in regard to the operation of a motor vehicle, because the
18 holder has or presents a [~~concealed~~] handgun license rather than a
19 driver's license or other acceptable form of personal
20 identification.

21 (b) This section does not affect:

22 (1) the requirement under Section 411.205, Government
23 Code, that a person subject to that section present a driver's
24 license or identification certificate or other proof of identity on

1 the request of a magistrate or peace officer [~~in addition to a~~
2 ~~concealed handgun license~~]; or

3 (2) the types of identification required under federal
4 law to access airport premises or pass through airport security.

5 SECTION 2. Section 51.220(g), Education Code, is amended to
6 read as follows:

7 (g) A public junior college employee's status as a school
8 marshal becomes inactive on:

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

11 (2) suspension or revocation of the employee's license
12 to carry a [~~concealed~~] handgun issued under Subchapter H, Chapter
13 411, Government Code;

14 (3) termination of the employee's employment with the
15 public junior college; or

16 (4) notice from the governing board of the public
17 junior college that the employee's services as school marshal are
18 no longer required.

19 SECTION 3. Section 231.302(c-1), Family Code, is amended to
20 read as follows:

21 (c-1) For purposes of issuing a license to carry a
22 [~~concealed~~] handgun under Subchapter H, Chapter 411, Government
23 Code, the Department of Public Safety is not required to request,
24 and an applicant is not required to provide, the applicant's social
25 security number.

26 SECTION 4. The heading to Subchapter H, Chapter 411,
27 Government Code, is amended to read as follows:

1 SUBCHAPTER H. LICENSE TO CARRY [A] HANDGUN AND OTHER PROVISIONS

2 RELATING TO CARRYING OF FIREARMS

3 SECTION 5. Sections 411.1741(a) and (b), Government Code,
4 are amended to read as follows:

5 (a) When a person applies for an original or renewal license
6 to carry a [~~concealed~~] handgun under this subchapter, the person
7 may make a voluntary contribution in any amount to the fund for
8 veterans' assistance established by Section 434.017.

9 (b) The department shall:

10 (1) include space on the first page of each
11 application for an original or renewal license to carry a
12 [~~concealed~~] handgun that allows a person applying for an original
13 or renewal license to carry a [~~concealed~~] handgun to indicate the
14 amount that the person is voluntarily contributing to the fund; and

15 (2) provide an opportunity for the person to
16 contribute to the fund during the application process for an
17 original or renewal license to carry a [~~concealed~~] handgun on the
18 department's Internet website.

19 SECTION 6. Section 411.190(c), Government Code, is amended
20 to read as follows:

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

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

13 SECTION 7. Sections 411.201(c), (e), and (h), Government
14 Code, are amended to read as follows:

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

- 19 (1) has not been convicted of a felony;
- 20 (2) has not, in the five years preceding the date of
21 application, been convicted of a Class A or Class B misdemeanor or
22 equivalent offense;
- 23 (3) is not charged with the commission of a Class A or
24 Class B misdemeanor or equivalent offense or of a felony under an
25 information or indictment;
- 26 (4) is not a chemically dependent person; and
- 27 (5) is not a person of unsound mind.

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

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

6 (2) if the applicant is a retired judicial officer,
7 conduct an appropriate background investigation to determine the
8 applicant's eligibility for the license and, if the applicant is
9 eligible, issue a license to carry a handgun under [~~the authority~~
10 ~~of~~] this subchapter.

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

19 SECTION 8. Section 411.203, Government Code, is amended to
20 read as follows:

21 Sec. 411.203. RIGHTS OF EMPLOYERS. (a) This subchapter
22 does not prevent or otherwise limit the right of a public or private
23 employer to prohibit persons who are licensed under this subchapter
24 or otherwise legally authorized to carry a handgun or other firearm
25 from carrying a handgun or other firearm on the premises of the
26 business.

27 (b) In this section, "premises" has the meaning assigned by

1 Section 46.035(f) [~~46.035(f)(3)~~], Penal Code.

2 SECTION 9. Section 411.204(c), Government Code, is amended
3 to read as follows:

4 (c) The sign required under Subsections (a) and (b) must
5 give notice in both English and Spanish that it is unlawful for a
6 person, including a person licensed under this subchapter or a
7 person otherwise legally authorized to carry a handgun, to carry a
8 handgun on the premises. The sign must appear in contrasting colors
9 with block letters at least one inch in height and must include on
10 its face the number "51" printed in solid red at least five inches
11 in height. The sign shall be displayed in a conspicuous manner
12 clearly visible to the public.

13 SECTION 10. Section 411.205, Government Code, is amended to
14 read as follows:

15 Sec. 411.205. REQUIREMENT TO DISPLAY IDENTIFICATION AND
16 HANDGUN LICENSE. If a person [~~license holder~~] is carrying a handgun
17 [~~on or about the license holder's person~~] when a magistrate or a
18 peace officer demands that the person [~~license holder~~] display
19 identification, the person [~~license holder~~] shall display [~~both~~]
20 the person's [~~license holder's~~] driver's license or identification
21 certificate issued by the department or other proof of identity. If
22 the person is a license holder under this subchapter and is carrying
23 the person's handgun license, the person also shall display [~~and~~]
24 the person's [~~license holder's~~] handgun license.

25 SECTION 11. The heading to Section 411.206, Government
26 Code, is amended to read as follows:

27 Sec. 411.206. SEIZURE OF HANDGUN AND HANDGUN LICENSE.

1 SECTION 12. Sections 411.206(a) and (c), Government Code,
2 are amended to read as follows:

3 (a) If a peace officer arrests and takes into custody a
4 person [~~license holder~~] who is carrying a handgun [~~under the~~
5 ~~authority of this subchapter~~], the officer shall seize the person's
6 [~~license holder's~~] handgun and, if the person is a license holder
7 under this subchapter and is carrying the person's handgun license,
8 the person's handgun license as evidence.

9 (c) Any judgment of conviction entered by any court for an
10 offense under Section 46.035, Penal Code, must contain the handgun
11 license number of the convicted person, if the person is a handgun
12 license holder. A certified copy of the judgment is conclusive and
13 sufficient evidence to justify revocation of a license under
14 Section 411.186(a)(4).

15 SECTION 13. Sections 411.207(a), (b), and (c), Government
16 Code, are amended to read as follows:

17 (a) A peace officer who is acting in the lawful discharge of
18 the officer's official duties may disarm a person, including a
19 license holder, who is carrying a handgun at any time the officer
20 reasonably believes it is necessary for the protection of the
21 person [~~license holder~~], officer, or another individual. The peace
22 officer shall return the handgun to the person [~~license holder~~]
23 before discharging the person [~~license holder~~] from the scene if
24 the officer determines that the person:

25 (1) [~~license holder~~] is not a threat to the officer,
26 person [~~license holder~~], or another individual;

27 (2) [~~and if the license holder~~] has not violated any

1 provision of this subchapter or committed any other violation that
2 results in the arrest of the person; and

3 (3) is a license holder or otherwise legally
4 authorized to carry a handgun.

5 (b) A peace officer who is acting in the lawful discharge of
6 the officer's official duties may ~~[temporarily]~~ disarm only
7 temporarily a person who is a license holder or otherwise legally
8 authorized to carry a handgun when the person ~~[a license holder]~~
9 enters a nonpublic, secure portion of a law enforcement facility.
10 The ~~[, if the]~~ law enforcement agency shall provide ~~[provides]~~ a gun
11 locker where the peace officer can secure the person's ~~[license~~
12 ~~holder's]~~ handgun. The peace officer shall secure the handgun in
13 the locker and shall return the handgun to the person ~~[license~~
14 ~~holder]~~ immediately after the person ~~[license holder]~~ leaves the
15 nonpublic, secure portion of the law enforcement facility.

16 (c) A law enforcement facility shall prominently display at
17 each entrance to a nonpublic, secure portion of the facility a sign
18 that gives notice in both English and Spanish that, under this
19 section, a peace officer may temporarily disarm a person who is a
20 license holder or otherwise legally authorized to carry a handgun
21 when the person ~~[license holder]~~ enters the nonpublic, secure
22 portion of the facility. The sign must appear in contrasting colors
23 with block letters at least one inch in height. The sign shall be
24 displayed in a clearly visible and conspicuous manner.

25 SECTION 14. The heading to Section [411.209](#), Government
26 Code, is amended to read as follows:

27 Sec. 411.209. WRONGFUL EXCLUSION OF PERSON LEGALLY

1 AUTHORIZED TO CARRY [~~CONCEALED~~] HANDGUN [~~LICENSE HOLDER~~].

2 SECTION 15. Sections 411.209(a) and (d), Government Code,
3 are amended to read as follows:

4 (a) A state agency or a political subdivision of the state
5 may not provide notice by a communication described by Section
6 30.06 or 30.07, Penal Code, or by any sign expressly referring to
7 either of those provisions [~~that law or to a concealed handgun~~
8 ~~license~~], that a person who is [~~license holder~~] carrying a handgun
9 [~~under the authority of this subchapter~~] is prohibited from
10 entering or remaining on a premises or other place owned or leased
11 by the governmental entity unless a person is [~~license holders are~~]
12 prohibited from carrying a handgun on the premises or other place by
13 Section 46.03 or 46.035, Penal Code, or other law.

14 (d) A resident [~~citizen~~] of this state or a person licensed
15 to carry a [~~concealed~~] handgun under this subchapter may file a
16 complaint with the attorney general that a state agency or
17 political subdivision is in violation of Subsection (a) if the
18 resident [~~citizen~~] or license holder [~~person~~] provides the agency
19 or subdivision a written notice that describes the violation and
20 specific location of the sign found to be in violation and the
21 agency or subdivision does not cure the violation before the end of
22 the third business day after the date of receiving the written
23 notice. A complaint filed under this subsection must include
24 evidence of the violation and a copy of the written notice.

25 SECTION 16. Section 12.092(b), Health and Safety Code, is
26 amended to read as follows:

27 (b) The medical advisory board shall assist the Department

1 of Public Safety of the State of Texas in determining whether:

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

4 (2) an applicant for or holder of a license to carry a
5 handgun under [~~the authority of~~] Subchapter H, Chapter 411,
6 Government Code, or an applicant for or holder of a commission as a
7 security officer under Chapter 1702, Occupations Code, is capable
8 of exercising sound judgment with respect to the proper use and
9 storage of a handgun.

10 SECTION 17. Section 42.042(e-2), Human Resources Code, is
11 amended to read as follows:

12 (e-2) The department may not prohibit the foster parent of a
13 child who resides in the foster family's home from transporting the
14 child in a vehicle where a handgun is present if the handgun is in
15 the possession and control of the foster parent and the foster
16 parent is licensed to carry the handgun under Subchapter H, Chapter
17 411, Government Code, or is otherwise legally authorized to carry a
18 handgun.

19 SECTION 18. Section 52.062(a), Labor Code, is amended to
20 read as follows:

21 (a) Section 52.061 does not:

22 (1) authorize a person who holds a license to carry a
23 handgun under Subchapter H, Chapter 411, Government Code, who
24 otherwise lawfully possesses a firearm, or who lawfully possesses
25 ammunition to possess a firearm or ammunition on any property where
26 the possession of a firearm or ammunition is prohibited by state or
27 federal law; or

1 (2) apply to:

2 (A) a vehicle owned or leased by a public or
3 private employer and used by an employee in the course and scope of
4 the employee's employment, unless the employee is required to
5 transport or store a firearm in the official discharge of the
6 employee's duties;

7 (B) a school district;

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

10 (D) a private school, as defined by Section
11 22.081, Education Code;

12 (E) property owned or controlled by a person,
13 other than the employer, that is subject to a valid, unexpired oil,
14 gas, or other mineral lease that contains a provision prohibiting
15 the possession of firearms on the property; or

16 (F) property owned or leased by a chemical
17 manufacturer or oil and gas refiner with an air authorization under
18 Chapter 382, Health and Safety Code, and on which the primary
19 business conducted is the manufacture, use, storage, or
20 transportation of hazardous, combustible, or explosive materials,
21 except in regard to an employee who holds a license to carry a
22 handgun under Subchapter H, Chapter 411, Government Code, who
23 otherwise lawfully possesses a firearm, or who lawfully possesses
24 ammunition and who stores the [a] firearm or ammunition [~~the~~
25 ~~employee is authorized by law to possess~~] in a locked, privately
26 owned motor vehicle in a parking lot, parking garage, or other
27 parking area the employer provides for employees that is outside of

1 a secured and restricted area:

- 2 (i) that contains the physical plant;
- 3 (ii) that is not open to the public; and
- 4 (iii) the ingress into which is constantly
- 5 monitored by security personnel.

6 SECTION 19. Section 191.010(a), Local Government Code, is
7 amended to read as follows:

8 (a) In this section, "photo identification" means one of the
9 following forms of photo identification:

10 (1) a driver's license, election identification
11 certificate, or personal identification card issued to the person
12 by any state or territory of the United States that has not expired
13 or that expired no earlier than 60 days before the date of
14 presentation;

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

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

20 (4) a United States Permanent Resident Card that has
21 not expired or that expired no earlier than 60 days before the date
22 of presentation;

23 (5) an identification card issued by a municipality
24 intended to serve as a general identification card for the holder
25 that has not expired or that expired no earlier than 60 days before
26 the date of presentation;

27 (6) a federally recognized tribal enrollment card or

1 other form of tribal identification that has not expired or that
2 expired no earlier than 60 days before the date of presentation;

3 (7) a United States passport or a passport issued by a
4 foreign government recognized by the United States issued to the
5 person that has not expired or that expired no earlier than 60 days
6 before the date of presentation; or

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

11 SECTION 20. Section 229.001(b), Local Government Code, is
12 amended to read as follows:

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

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

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

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

26 (4) regulate the use of firearms, air guns, or knives
27 in the case of an insurrection, riot, or natural disaster if the

1 municipality finds the regulations necessary to protect public
2 health and safety;

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

8 (6) regulate the carrying of a firearm or air gun, ~~by~~
9 ~~a person~~ other than a ~~[person licensed to carry a]~~ handgun carried
10 by a person licensed under Subchapter H, Chapter 411, Government
11 Code, or by a person otherwise legally authorized to carry the
12 handgun, at a:

13 (A) public park;

14 (B) public meeting of a municipality, county, or
15 other governmental body;

16 (C) political rally, parade, or official
17 political meeting; or

18 (D) nonfirearms-related school, college, or
19 professional athletic event;

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

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

27 (A) public property; or

1 (B) private property without consent of the
2 property owner.

3 SECTION 21. Sections 62.082(d) and (e), Parks and Wildlife
4 Code, are amended to read as follows:

5 (d) Section 62.081 does not apply to:

- 6 (1) an employee of the Lower Colorado River Authority;
7 (2) a person authorized to hunt under Subsection (c);
8 (3) a peace officer as defined by Article 2.12, Code of
9 Criminal Procedure; or
10 (4) a person who:

11 (A) is carrying [~~possesses~~] a handgun the person
12 is legally authorized to carry [~~and a license issued under~~
13 ~~Subchapter H, Chapter 411, Government Code, to carry a handgun~~]; or

14 (B) under circumstances in which the person would
15 be justified in the use of deadly force under Chapter 9, Penal Code,
16 shoots a handgun the person is legally authorized [~~licensed~~] to
17 carry [~~under Subchapter H, Chapter 411, Government Code~~].

18 (e) A state agency, including the department, the
19 Department of Public Safety, and the Lower Colorado River
20 Authority, may not adopt a rule that prohibits a person [~~who~~
21 ~~possesses a license issued under Subchapter H, Chapter 411,~~
22 ~~Government Code,~~] from entering or crossing the land of the Lower
23 Colorado River Authority while:

24 (1) carrying [~~possessing~~] a handgun that the person is
25 legally authorized to carry; or

26 (2) under circumstances in which the person would be
27 justified in the use of deadly force under Chapter 9, Penal Code,

1 shooting a handgun.

2 SECTION 22. Section 284.001(e), Parks and Wildlife Code, is
3 amended to read as follows:

4 (e) This section does not limit a person's ~~[the]~~ ability to
5 carry a handgun if the person is legally authorized ~~[of a license~~
6 ~~holder]~~ to carry a handgun ~~[under the authority of Subchapter H,~~
7 ~~Chapter 411, Government Code]~~.

8 SECTION 23. Section 30.05(f), Penal Code, is amended to
9 read as follows:

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

11 (1) the basis on which entry on the property or land or
12 in the building was forbidden is that entry with a firearm ~~[handgun]~~
13 was forbidden; and

14 (2) the person was carrying only ~~[+~~

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

17 ~~[(B)]~~ a handgun that at the time of the offense
18 the person was legally authorized to carry:

19 (A) ~~[(i)]~~ in a concealed manner; or

20 (B) ~~[(ii)]~~ in a shoulder or belt holster.

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

23 Sec. 30.06. TRESPASS BY PERSON ~~[LICENSE HOLDER]~~ WITH [A]
24 CONCEALED HANDGUN.

25 SECTION 25. Sections 30.06(a), (c), (d), and (e), Penal
26 Code, are amended to read as follows:

27 (a) A person ~~[license holder]~~ commits an offense if the

1 person [~~license holder~~]:

2 (1) carries a concealed handgun [~~under the authority~~
3 ~~of Subchapter H, Chapter 411, Government Code,~~] on property of
4 another without effective consent; and

5 (2) received notice that entry on the property by a
6 person [~~license holder~~] with a concealed handgun was forbidden.

7 (c) In this section:

8 (1) "Entry" has the meaning assigned by Section
9 30.05(b).

10 (2) [~~"License holder" has the meaning assigned by~~
11 ~~Section 46.035(f).~~

12 [~~(3)~~] "Written communication" means:

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

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

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

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

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

26 (d) An offense under this section is a Class C misdemeanor
27 punishable by a fine not to exceed \$200, except that the offense is

1 a Class A misdemeanor if it is shown on the trial of the offense
2 that, after entering the property, the person [~~license holder~~] was
3 personally given the notice by oral communication described by
4 Subsection (b) and subsequently failed to depart.

5 (e) It is an exception to the application of this section
6 that the property on which the person [~~license holder~~] carries a
7 handgun is owned or leased by a governmental entity and is not a
8 premises or other place on which the person [~~license holder~~] is
9 prohibited from carrying the handgun under Section 46.03 or 46.035
10 or other law.

11 SECTION 26. The heading to Section 30.07, Penal Code, is
12 amended to read as follows:

13 Sec. 30.07. TRESPASS BY PERSON [~~LICENSE HOLDER~~] WITH [~~AN~~]
14 OPENLY CARRIED HANDGUN.

15 SECTION 27. Sections 30.07(a), (c), (d), and (e), Penal
16 Code, are amended to read as follows:

17 (a) A person [~~license holder~~] commits an offense if the
18 person [~~license holder~~]:

19 (1) openly carries a handgun [~~under the authority of~~
20 ~~Subchapter H, Chapter 411, Government Code,~~] on property of another
21 without effective consent; and

22 (2) received notice that entry on the property by a
23 person [~~license holder~~] openly carrying a handgun was forbidden.

24 (c) In this section:

25 (1) "Entry" has the meaning assigned by Section
26 30.05(b).

27 (2) [~~"License holder" has the meaning assigned by~~

1 ~~Section 46.035(f).~~

2 [~~3~~] "Written communication" means:

3 (A) a card or other document on which is written
4 language identical to the following: "Pursuant to Section 30.07,
5 Penal Code (trespass by person [~~license holder~~] with [~~an~~] openly
6 carried handgun), a person [~~licensed under Subchapter H, Chapter~~
7 ~~411, Government Code (handgun licensing law),~~] may not enter this
8 property with a handgun that is carried openly"; or

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

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

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

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

16 (d) An offense under this section is a Class C misdemeanor
17 punishable by a fine not to exceed \$200, except that the offense is
18 a Class A misdemeanor if it is shown on the trial of the offense
19 that, after entering the property, the person [~~license holder~~] was
20 personally given the notice by oral communication described by
21 Subsection (b) and subsequently failed to depart.

22 (e) It is an exception to the application of this section
23 that the property on which the person [~~license holder~~] openly
24 carries a a [~~the~~] handgun is owned or leased by a governmental entity
25 and is not a premises or other place on which the person [~~license~~
26 ~~holder~~] is prohibited from carrying the handgun under Section 46.03
27 or 46.035 or other law.

1 SECTION 28. Section 46.02(a-1), Penal Code, is amended to
2 read as follows:

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

7 (1) the handgun is in plain view, unless the person is
8 legally authorized [~~licensed~~] to carry a handgun [~~under Subchapter~~
9 ~~H, Chapter 411, Government Code~~], and the handgun is carried in a
10 shoulder or belt holster; or

11 (2) the person is:

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

15 (B) prohibited by law from possessing a firearm;
16 or

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

19 SECTION 29. Sections 46.03(e-1) and (e-2), Penal Code, are
20 amended to read as follows:

21 (e-1) It is a defense to prosecution under Subsection (a)(5)
22 that the actor:

23 (1) possessed, at the screening checkpoint for the
24 secured area, a [~~concealed~~] handgun that the actor was legally
25 authorized [~~licensed~~] to carry [~~under Subchapter H, Chapter 411,~~
26 ~~Government Code~~]; and

27 (2) exited the screening checkpoint for the secured

1 area immediately on [~~upon~~] completion of the required screening
2 processes and notification that the actor possessed the handgun.

3 (e-2) A peace officer investigating conduct that may
4 constitute an offense under Subsection (a)(5) and that consists
5 only of an actor's possession of a [~~concealed~~] handgun that the
6 actor is legally authorized [~~licensed~~] to carry [~~under Subchapter~~
7 ~~H, Chapter 411, Government Code,~~] may not arrest the actor for the
8 offense unless:

9 (1) the officer advises the actor of the defense
10 available under Subsection (e-1) and gives the actor an opportunity
11 to exit the screening checkpoint for the secured area; and

12 (2) the actor does not immediately exit the checkpoint
13 on [~~upon~~] completion of the required screening processes.

14 SECTION 30. Section 46.03(f), Penal Code, as amended by
15 Chapters 437 (H.B. 910) and 1001 (H.B. 554), Acts of the 84th
16 Legislature, Regular Session, 2015, is reenacted and amended to
17 read as follows:

18 (f) Except as provided by Subsection (a)(1)(B) or (e-1), it
19 is not a defense to prosecution under this section that the actor
20 possessed a handgun and was:

21 (1) licensed to carry a handgun under Subchapter H,
22 Chapter 411, Government Code; or

23 (2) otherwise legally authorized to carry a handgun.

24 SECTION 31. The heading to Section 46.035, Penal Code, is
25 amended to read as follows:

26 Sec. 46.035. UNLAWFUL CARRYING OF HANDGUN BY LICENSE HOLDER
27 OR OTHER PERSON LEGALLY AUTHORIZED TO CARRY HANDGUN.

1 SECTION 32. Section 46.035, Penal Code, is amended by
2 amending Subsections (a), (b), (c), and (d) and adding Subsection
3 (b-1) to read as follows:

4 (a) A person who is a license holder or otherwise legally
5 authorized to carry a handgun commits an offense if the person
6 ~~[license holder]~~ carries a handgun ~~[on or about the license~~
7 ~~holder's person under the authority of Subchapter H, Chapter 411,~~
8 ~~Government Code,~~ and intentionally displays the handgun in plain
9 view of another person in a public place. It is an exception to the
10 application of this subsection that the handgun was partially or
11 wholly visible but was carried in a shoulder or belt holster ~~[by the~~
12 ~~license holder]~~.

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

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

26 (2) on the premises where a high school, collegiate,
27 or professional sporting event or interscholastic event is taking

1 place, unless the person [~~license holder~~] is a participant in the
2 event and a handgun is used in the event;

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

4 (4) on the premises of a hospital licensed under
5 Chapter 241, Health and Safety Code, or on the premises of a nursing
6 facility licensed under Chapter 242, Health and Safety Code, unless
7 the person [~~license holder~~] has written authorization of the
8 hospital or nursing 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 (b-1) A person commits an offense if the person
13 intentionally, knowingly, or recklessly carries a handgun,
14 regardless of whether the handgun is concealed or carried in a
15 shoulder or belt holster, on the premises of a business that has a
16 permit or license issued under Subtitle A or B, Title 3, Alcoholic
17 Beverage Code, other than a business described by Subsection
18 (b)(1), unless the person is a license holder under Subchapter H,
19 Chapter 411, Government Code.

20 (c) A person who is a license holder or otherwise legally
21 authorized to carry a handgun commits an offense if the person
22 [~~license holder~~] intentionally, knowingly, or recklessly carries a
23 handgun [~~under the authority of Subchapter H, Chapter 411,~~
24 ~~Government Code~~], regardless of whether the handgun is concealed or
25 carried in a shoulder or belt holster, in the room or rooms where a
26 meeting of a governmental entity is held and if the meeting is an
27 open meeting subject to Chapter 551, Government Code, and the

1 entity provided notice as required by that chapter.

2 (d) A person who is a license holder or otherwise legally
3 authorized to carry a handgun commits an offense if the person~~[~~
4 ~~while intoxicated, the license holder]~~ carries a handgun while the
5 person is intoxicated [~~under the authority of Subchapter H, Chapter~~
6 ~~411, Government Code~~], regardless of whether the handgun is
7 concealed or carried in a shoulder or belt holster.

8 SECTION 33. Section 46.15(b), Penal Code, is amended to
9 read as follows:

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 license holder ~~issued~~ under Subchapter H,
16 Chapter 411, Government Code, or a person who meets the
17 requirements under Sections 411.172(a)(1)-(13), Government Code
18 ~~[to carry a handgun]~~; and

19 (B) carrying a handgun:

20 (i) in a concealed manner; or

21 (ii) in a shoulder or belt holster;

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

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

1 commonly used in the activity and the person is:

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

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

6 SECTION 34. The changes in law made by this Act relating to
7 the authority of a person to carry a handgun apply to the carrying
8 of a handgun on or after the effective date of this Act by any person
9 who may legally carry a handgun under this Act.

10 SECTION 35. The changes in law made by this Act apply only
11 to an offense committed on or after the effective date of this Act.
12 An offense committed before the effective date of this Act is
13 governed by the law in effect when the offense was committed, and
14 the former law is continued in effect for that purpose. For
15 purposes of this section, an offense was committed before the
16 effective date of this Act if any element of the offense occurred
17 before that date.

18 SECTION 36. To the extent of any conflict, this Act prevails
19 over another Act of the 85th Legislature, Regular Session, 2017,
20 relating to nonsubstantive additions to and corrections in enacted
21 codes.

22 SECTION 37. This Act takes effect September 1, 2017.