

By: Nichols

S.B. No. 1146

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the carrying of handguns by license holders on the
3 property of state hospitals; providing a civil penalty.

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

5 SECTION 1. The heading to Section 411.209, Government Code,
6 is amended to read as follows:

7 Sec. 411.209. WRONGFUL EXCLUSION OF [~~CONCEALED~~] HANDGUN
8 LICENSE HOLDER.

9 SECTION 2. Section 411.209, Government Code, is amended by
10 amending Subsections (a) and (d) and adding Subsection (i) to read
11 as follows:

12 (a) Except as provided by Subsection (i), a [A] state agency
13 or a political subdivision of the state may not provide notice by a
14 communication described by Section 30.06, Penal Code, or by any
15 sign expressly referring to that law or to a [~~concealed handgun~~]
16 license to carry a handgun, that a license holder carrying a handgun
17 under the authority of this subchapter is prohibited from entering
18 or remaining on a premises or other place owned or leased by the
19 governmental entity unless license holders are prohibited from
20 carrying a handgun on the premises or other place by Section 46.03
21 or 46.035, Penal Code.

22 (d) A resident [~~citizen~~] of this state or a person licensed
23 to carry a [~~concealed~~] handgun under this subchapter may file a
24 complaint with the attorney general that a state agency or

1 political subdivision is in violation of Subsection (a) if the
2 resident [~~citizen~~] or person provides the agency or subdivision a
3 written notice that describes the violation and specific location
4 of the sign found to be in violation and the agency or subdivision
5 does not cure the violation before the end of the third business day
6 after the date of receiving the written notice. A complaint filed
7 under this subsection must include evidence of the violation and a
8 copy of the written notice.

9 (i) Subsection (a) does not apply to a written notice
10 provided by a state hospital under Section 552.002, Health and
11 Safety Code.

12 SECTION 3. Subchapter A, Chapter 552, Health and Safety
13 Code, is amended by adding Section 552.002 to read as follows:

14 Sec. 552.002. CARRYING OF HANDGUN BY LICENSE HOLDER IN
15 STATE HOSPITAL. (a) In this section:

16 (1) "License holder" has the meaning assigned by
17 Section 46.035(f), Penal Code.

18 (2) "State hospital" means the following facilities:

- 19 (A) the Austin State Hospital;
- 20 (B) the Big Spring State Hospital;
- 21 (C) the El Paso Psychiatric Center;
- 22 (D) the Kerrville State Hospital;
- 23 (E) the North Texas State Hospital;
- 24 (F) the Rio Grande State Center;
- 25 (G) the Rusk State Hospital;
- 26 (H) the San Antonio State Hospital;
- 27 (I) the Terrell State Hospital; and

1 (J) the Waco Center for Youth.

2 (3) "Written notice" means a sign that is posted on
3 property and that:

4 (A) includes in both English and Spanish written
5 language identical to the following: "Pursuant to Section 552.002,
6 Health and Safety Code (carrying of handgun by license holder in
7 state hospital), a person licensed under Subchapter H, Chapter 411,
8 Government Code (handgun licensing law), may not enter this
9 property with a handgun";

10 (B) appears in contrasting colors with block
11 letters at least one inch in height; and

12 (C) is displayed in a conspicuous manner clearly
13 visible to the public at each entrance to the property.

14 (b) A state hospital may prohibit a license holder from
15 carrying a handgun under the authority of Subchapter H, Chapter
16 411, Government Code, on the property of the hospital by providing
17 written notice.

18 (c) A license holder who carries a handgun under the
19 authority of Subchapter H, Chapter 411, Government Code, on the
20 property of a state hospital at which written notice is provided is
21 liable for a civil penalty in the amount of:

22 (1) \$100 for the first violation; or

23 (2) \$500 for the second or subsequent violation.

24 (d) The attorney general or an appropriate prosecuting
25 attorney may sue to collect a civil penalty under this section.

26 SECTION 4. The change in law made by this Act applies only
27 to conduct that occurs on or after the effective date of this Act.

1 SECTION 5. This Act takes effect September 1, 2017.