

By: Estes

S.B. No. 1448

A BILL TO BE ENTITLED

AN ACT

relating to restricting employers from prohibiting certain employees from carrying, transporting, storing, or using handguns or ammunition.

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

SECTION 1. The heading to Subchapter G, Chapter 52, Labor Code, is amended to read as follows:

SUBCHAPTER G. RESTRICTIONS ON PROHIBITING EMPLOYEE  
TRANSPORTATION, CARRYING, USE, OR STORAGE OF CERTAIN FIREARMS OR  
AMMUNITION

SECTION 2. Section 52.063, Labor Code, is amended to read as follows:

Sec. 52.063. IMMUNITY FROM CIVIL LIABILITY. (a) Except in cases of gross negligence, a public or private employer, or the employer's principal, officer, director, employee, or agent, is not liable in a civil action for personal injury, death, property damage, or any other damages resulting from or arising out of an occurrence involving a firearm or ammunition that the employer is required to allow an employee to carry, transport, or store [~~on the employer's property~~] under this subchapter.

(b) The presence of a firearm or ammunition on an employer's property, in an employee's vehicle, or on an employee's person under the authority of this subchapter does not by itself constitute a failure by the employer to provide a safe workplace.

1 (c) For purposes of this section, a public or private  
2 employer, or the employer's principal, officer, director,  
3 employee, or agent, does not have a duty:

4 (1) to patrol, inspect, or secure:

5 (A) any parking lot, parking garage, or other  
6 parking area the employer provides for employees; or

7 (B) any privately owned motor vehicle located in  
8 a parking lot, parking garage, or other parking area described by  
9 Paragraph (A); or

10 (2) to investigate, confirm, or determine:

11 (A) whether an employee is licensed to carry a  
12 handgun under Subchapter H, Chapter 411, Government Code; or

13 (B) an employee's compliance with laws related to  
14 the ownership or possession of a firearm or ammunition or the  
15 transportation and storage of a firearm or ammunition.

16 SECTION 3. Subchapter G, Chapter 52, Labor Code, is amended  
17 by adding Sections 52.065, 52.066, 52.067, and 52.068 to read as  
18 follows:

19 Sec. 52.065. RESTRICTION ON PROHIBITING CERTAIN EMPLOYEES  
20 FROM TRANSPORTING HANDGUNS IN CERTAIN VEHICLES. A public or  
21 private employer may not prohibit an employee who holds a license to  
22 carry a handgun under Subchapter H, Chapter 411, Government Code,  
23 from transporting or storing a handgun or ammunition the employee  
24 is authorized by law to possess in a motor vehicle that is owned or  
25 leased by the employee when the vehicle is not located on property  
26 owned or leased by the employer, regardless of whether the employee  
27 is engaged in performing duties on behalf of the employer.

1       Sec. 52.066. RESTRICTION ON PROHIBITING CERTAIN EMPLOYEES  
2 FROM CARRYING HANDGUNS. A public or private employer may not  
3 prohibit an employee who holds a license to carry a handgun under  
4 Subchapter H, Chapter 411, Government Code, from carrying a  
5 concealed handgun or ammunition the employee is authorized by law  
6 to possess on the employee's person when the employee is not on  
7 property owned or leased by the employer, regardless of whether the  
8 employee is engaged in performing duties on behalf of the employer.

9       Sec. 52.067. RESTRICTION ON PROHIBITING CERTAIN EMPLOYEES  
10 FROM USING HANDGUNS IN SELF-DEFENSE. A public or private employer  
11 may not prohibit an employee who holds a license to carry a handgun  
12 under Subchapter H, Chapter 411, Government Code, from using a  
13 firearm or ammunition under circumstances that justify the use  
14 pursuant to Sections 9.04, 9.31, or 9.32, Penal Code.

15       Sec. 52.068. REMEDIES; INJUNCTION; ATTORNEY'S FEES. (a) A  
16 public or private employer who violates this subchapter is liable  
17 for reasonable damages and attorney's fees incurred by the employee  
18 as a result of the violation.

19       (b) An employee discharged in violation of this subchapter  
20 is entitled to reinstatement in the employee's former position of  
21 employment.

22       (c) A district court may restrain, for cause shown, a  
23 violation of this subchapter.

24       SECTION 4. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2017.