86R263 JSC-D

By:  Stickland H.B. No. 357

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of a firearm by a person who is not otherwise prohibited from possessing the firearm and to criminal offenses otherwise related to the carrying of a firearm; creating criminal offenses.

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

SECTION 1.  This Act shall be known as the Texas Constitutional Carry Act of 2019.

SECTION 2.  Section 46.02, Penal Code, is amended by amending Subsections (a) and (d) and adding Subsections (a-5) and (a-6) to read as follows:

(a)  A person commits an offense if the person:

(1)  intentionally, knowingly, or recklessly carries on or about his or her person a [~~handgun or~~] club; and

(2)  is not:

(A)  on the person's own premises or premises under the person's control; or

(B)  inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control.

(a-5)  A person commits an offense if the person:

(1)  intentionally, knowingly, or recklessly carries on or about his or her person a handgun;

(2)  is younger than 21 years of age at the time of the offense; and

(3)  is not:

(A)  on the person's own premises or premises under the person's control; or

(B)  inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control.

(a-6)  It is an exception to the application of Subsection (a-5) that the actor holds a license issued under Subchapter H, Chapter 411, Government Code.

(d)  An offense under Subsection (a-4) or (a-5) is a Class C misdemeanor.

SECTION 3.  Sections 46.03(e-1), (e-2), and (f), Penal Code, are amended to read as follows:

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

(1)  possessed, at the screening checkpoint for the secured area, a [~~concealed~~] handgun that the actor was not prohibited from possessing [~~licensed to carry under Subchapter H, Chapter 411, Government Code~~]; and

(2)  exited the screening checkpoint for the secured area immediately on [~~upon~~] completion of the required screening processes and notification that the actor possessed the handgun.

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

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

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

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

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

(2)  not otherwise prohibited from possessing a firearm.

SECTION 4.  Chapter 46, Penal Code, is amended by adding Section 46.032 to read as follows:

Sec. 46.032.  CARRYING OF HANDGUN. Except as otherwise provided by this chapter or other law, a person 21 years of age or older who is not prohibited from possessing a firearm under Section 46.04 or other law is not prohibited from carrying:

(1)  a concealed handgun; or

(2)  a partially or wholly visible handgun in a holster.

SECTION 5.  The heading to Section 46.035, Penal Code, is amended to read as follows:

Sec. 46.035.  UNLAWFUL CARRYING OF HANDGUN [~~BY LICENSE HOLDER~~].

SECTION 6.  Section 46.035, Penal Code, is amended by amending Subsections (a), (b), (c), and (d) and adding Subsection (d-1) to read as follows:

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

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

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

(2)  on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the person [~~license holder~~] is a participant in the event and a handgun is used in the event;

(3)  on the premises of a correctional facility;

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

(5)  in an amusement park;

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

(7)  on the premises of a civil commitment facility.

(c)  A person [~~license holder~~] commits an offense if the person [~~license holder~~] intentionally, knowingly, or recklessly carries a handgun [~~under the authority of Subchapter H, Chapter 411, Government Code~~], regardless of whether the handgun is concealed or carried in a [~~shoulder or belt~~] holster, in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by that chapter.

(d)  A person [~~license holder~~] commits an offense if the person[~~, while intoxicated, the license holder~~] carries a handgun while the person is intoxicated [~~under the authority of Subchapter H, Chapter 411, Government Code~~], regardless of whether the handgun is concealed or carried in a [~~shoulder or belt~~] holster.

(d-1)  A person commits an offense if the person intentionally, knowingly, or recklessly carries a handgun when the person is:

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

(2)  prohibited by law from possessing a firearm.

SECTION 7.  Section 46.035(f), Penal Code, is amended by adding Subdivision (1-b) to read as follows:

(1-b)  "Intoxicated" has the meaning assigned by Section 49.01.

SECTION 8.  Section 46.035(h-1), Penal Code, as added by Chapter 1214 (H.B. 1889), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(h-1)  It is a defense to prosecution under Subsections (b) and (c) that the actor, at the time of the commission of the offense, was:

(1)  an active judicial officer, as defined by Section 411.201, Government Code; [~~or~~]

(2)  a bailiff designated by the active judicial officer and engaged in escorting the officer;

(3)  a judge or justice of a federal court; or

(4)  the attorney general or a United States attorney, assistant United States attorney, assistant attorney general, district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney.

SECTION 9.  Sections 46.15(a) and (b), Penal Code, are amended to read as follows:

(a)  Sections 46.02, [~~and~~] 46.03, and 46.035(b) and (c) do not apply to:

(1)  peace officers or special investigators under Article 2.122, Code of Criminal Procedure, and none of those sections prohibit [~~neither section prohibits~~] a peace officer or special investigator from carrying a weapon in this state, including in an establishment in this state serving the public, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon;

(2)  parole officers and none of those sections prohibit [~~neither section prohibits~~] an officer from carrying a weapon in this state if the officer is:

(A)  engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B)  in compliance with policies and procedures adopted by the Texas Department of Criminal Justice regarding the possession of a weapon by an officer while on duty;

(3)  community supervision and corrections department officers appointed or employed under Section 76.004, Government Code, and none of those sections prohibit [~~neither section prohibits~~] an officer from carrying a weapon in this state if the officer is:

(A)  engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B)  authorized to carry a weapon under Section 76.0051, Government Code;

(4)  an active judicial officer as defined by Section 411.201, Government Code, who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(5)  an honorably retired peace officer, qualified retired law enforcement officer, federal criminal investigator, or former reserve law enforcement officer who holds a certificate of proficiency issued under Section 1701.357, Occupations Code, and is carrying a photo identification that is issued by a federal, state, or local law enforcement agency, as applicable, and that verifies that the officer is:

(A)  an honorably retired peace officer;

(B)  a qualified retired law enforcement officer;

(C)  a federal criminal investigator; or

(D)  a former reserve law enforcement officer who has served in that capacity not less than a total of 15 years with one or more state or local law enforcement agencies;

(6)  the attorney general or a United States attorney, district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(7)  an assistant United States attorney, assistant attorney general, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(8)  a bailiff designated by an active judicial officer as defined by Section 411.201, Government Code, who is:

(A)  licensed to carry a handgun under Subchapter H, Chapter 411, Government Code; and

(B)  engaged in escorting the judicial officer;

(9)  a juvenile probation officer who is authorized to carry a firearm under Section 142.006, Human Resources Code; or

(10)  a person who is volunteer emergency services personnel if the person is:

(A)  carrying a handgun under the authority of Subchapter H, Chapter 411, Government Code; and

(B)  engaged in providing emergency services.

(b)  Section 46.02 does not apply to a person who:

(1)  is in the actual discharge of official duties as a member of the armed forces or state military forces as defined by Section 437.001, Government Code, or as a guard employed by a penal institution;

(2)  is traveling;

(3)  is engaging in lawful hunting, fishing, or other sporting activity on the immediate premises where the activity is conducted, or is en route between the premises and the actor's residence, motor vehicle, or watercraft, if the weapon is a type commonly used in the activity;

(4)  holds a security officer commission issued by the Texas Private Security Board, if the person is engaged in the performance of the person's duties as an officer commissioned under Chapter 1702, Occupations Code, or is traveling to or from the person's place of assignment and is wearing the officer's uniform and carrying the officer's weapon in plain view;

(5)  acts as a personal protection officer and carries the person's security officer commission and personal protection officer authorization, if the person:

(A)  is engaged in the performance of the person's duties as a personal protection officer under Chapter 1702, Occupations Code, or is traveling to or from the person's place of assignment; and

(B)  is either:

(i)  wearing the uniform of a security officer, including any uniform or apparel described by Section 1702.323(d), Occupations Code, and carrying the officer's weapon in plain view; or

(ii)  not wearing the uniform of a security officer and carrying the officer's weapon in a concealed manner;

(6)  [~~is carrying:~~

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

[~~(B)  a handgun:~~

[~~(i)  in a concealed manner; or~~

[~~(ii)  in a shoulder or belt holster;~~

[~~(7)~~]  holds an alcoholic beverage permit or license or is an employee of a holder of an alcoholic beverage permit or license if the person is supervising the operation of the permitted or licensed premises; or

(7) [~~(8)~~]  is a student in a law enforcement class engaging in an activity required as part of the class, if the weapon is a type commonly used in the activity and the person is:

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

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

SECTION 10.  Chapter 507, Business & Commerce Code, is amended to read as follows:

CHAPTER 507. LICENSE TO CARRY [~~CONCEALED~~] HANDGUN [~~LICENSES~~] AS VALID FORM [~~FORMS~~] OF PERSONAL IDENTIFICATION

Sec. 507.001.  [~~CONCEALED HANDGUN~~] LICENSE TO CARRY HANDGUN AS VALID PROOF OF IDENTIFICATION. (a) A person may not deny the holder of a [~~concealed~~] handgun license issued under Subchapter H, Chapter 411, Government Code, access to goods, services, or facilities, except as provided by Section 521.460, Transportation Code, or in regard to the operation of a motor vehicle, because the holder has or presents a [~~concealed~~] handgun license rather than a driver's license or other acceptable form of personal identification.

(b)  This section does not affect[~~:~~

[~~(1)  the requirement under Section 411.205, Government Code, that a person subject to that section present a driver's license or identification certificate in addition to a concealed handgun license; or~~

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

SECTION 11.  Section 51.220(g), Education Code, is amended to read as follows:

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

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

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

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

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

SECTION 12.  Section 231.302(c-1), Family Code, is amended to read as follows:

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

SECTION 13.  The heading to Subchapter H, Chapter 411, Government Code, is amended to read as follows:

SUBCHAPTER H. LICENSE TO CARRY [~~A~~] HANDGUN AND OTHER PROVISIONS RELATING TO CARRYING OF FIREARMS

SECTION 14.  Sections 411.1741(a) and (b), Government Code, are amended to read as follows:

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

(b)  The department shall:

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

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

SECTION 15.  Section 411.190(c), Government Code, is amended to read as follows:

(c)  In the manner applicable to a person who applies for a license to carry a handgun, the department shall conduct a background check of a person who applies for certification as a qualified handgun instructor or approved online course provider. If the background check indicates that the applicant for certification would not qualify to receive a handgun license, the department may not certify the applicant as a qualified handgun instructor or approved online course provider. If the background check indicates that the applicant for certification would qualify to receive a handgun license, the department shall provide handgun instructor or online course provider training to the applicant. The applicant shall pay a fee of $100 to the department for the training. The applicant must take and successfully complete the training offered by the department and pay the training fee before the department may certify the applicant as a qualified handgun instructor or approved online course provider. The department shall issue a license to carry a handgun under [~~the authority of~~] this subchapter to any person who is certified as a qualified handgun instructor or approved online course provider and who pays to the department a fee of $40 in addition to the training fee. The department by rule may prorate or waive the training fee for an employee of another governmental entity.

SECTION 16.  Sections 411.201(c), (e), and (h), Government Code, are amended to read as follows:

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

(1)  has not been convicted of a felony;

(2)  has not, in the five years preceding the date of application, been convicted of a Class A or Class B misdemeanor or equivalent offense;

(3)  is not charged with the commission of a Class A or Class B misdemeanor or equivalent offense or of a felony under an information or indictment;

(4)  is not a chemically dependent person; and

(5)  is not a person of unsound mind.

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

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

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

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

SECTION 17.  Section 411.203, Government Code, is amended to read as follows:

Sec. 411.203.  RIGHTS OF EMPLOYERS. (a) This subchapter does not prevent or otherwise limit the right of a public or private employer to prohibit persons who are licensed under this subchapter or not otherwise prohibited from possessing a firearm from carrying a handgun or other firearm on the premises of the business.

(b)  In this section, "premises" has the meaning assigned by Section 46.035(f) [~~46.035(f)(3)~~], Penal Code.

SECTION 18.  Section 411.204(c), Government Code, is amended to read as follows:

(c)  The sign required under Subsections (a) and (b) must give notice in both English and Spanish that it is unlawful for a person, regardless of whether the person is licensed under this subchapter, to carry a handgun on the premises. The sign must appear in contrasting colors with block letters at least one inch in height and must include on its face the number "51" printed in solid red at least five inches in height. The sign shall be displayed in a conspicuous manner clearly visible to the public.

SECTION 19.  The heading to Section 411.206, Government Code, is amended to read as follows:

Sec. 411.206.  SEIZURE OF HANDGUN AND HANDGUN LICENSE.

SECTION 20.  Sections 411.206(a) and (c), Government Code, are amended to read as follows:

(a)  If a peace officer arrests and takes into custody a person [~~license holder~~] who is carrying a handgun [~~under the authority of this subchapter~~], the officer shall seize the person's [~~license holder's~~] handgun. The peace officer also shall seize the person's handgun [~~and~~] license as evidence if the person holds a handgun license under this subchapter and is carrying the license at the time of the arrest.

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

SECTION 21.  Section 411.207, Government Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (a-1) to read as follows:

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

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

(2)  [~~and if the license holder~~] has not violated any provision of this subchapter or committed any other violation that results in the arrest of the person; and

(3)  is not prohibited from possessing a firearm [~~license holder~~].

(a-1)  A peace officer may not disarm or detain a person under Subsection (a) solely because the person is carrying a handgun.

(b)  A peace officer who is acting in the lawful discharge of the officer's official duties may [~~temporarily~~] disarm only temporarily a person, regardless of whether the person is a license holder, when the person [~~a license holder~~] enters a nonpublic, secure portion of a law enforcement facility. The[~~, if the~~] law enforcement agency shall provide [~~provides~~] a gun locker where the peace officer can secure the person's [~~license holder's~~] handgun. The peace officer shall secure the handgun in the locker and shall return the handgun to the person [~~license holder~~] immediately after the person [~~license holder~~] leaves the nonpublic, secure portion of the law enforcement facility.

(c)  A law enforcement facility shall prominently display at each entrance to a nonpublic, secure portion of the facility a sign that gives notice in both English and Spanish that, under this section, a peace officer may temporarily disarm a person, regardless of whether the person is a license holder, when the person [~~license holder~~] enters the nonpublic, secure portion of the facility. The sign must appear in contrasting colors with block letters at least one inch in height. The sign shall be displayed in a clearly visible and conspicuous manner.

SECTION 22.  The heading to Section 411.209, Government Code, is amended to read as follows:

Sec. 411.209.  WRONGFUL EXCLUSION OF PERSON CARRYING HANDGUN [~~LICENSE HOLDER~~].

SECTION 23.  Section 411.209, Government Code, is amended by amending Subsections (a), (d), and (f) and adding Subsection (d-1) to read as follows:

(a)  Except as provided by Subsection (i), a state agency or a political subdivision of the state may not provide notice by a communication described by Section 30.06 or 30.07, Penal Code, or by any sign expressly referring to either of those provisions [~~that law or to a license to carry a handgun~~], that a person who is [~~license holder~~] carrying a handgun [~~under the authority of this subchapter~~] is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless a person is [~~license holders are~~] prohibited from carrying a handgun on the premises or other place by Section 46.03 or 46.035, Penal Code, or other law.

(d)  A resident of this state or a person licensed to carry a handgun under this subchapter may file a complaint with the attorney general that a state agency or political subdivision is in violation of Subsection (a) if the resident or license holder [~~person~~] provides the agency or subdivision a written notice that describes the violation [~~and specific location of the sign found to be in violation~~] and the agency or subdivision does not cure the violation before the end of the third business day after the date of receiving the written notice. The written notice provided under this subsection must include a copy of any document alleged to be in violation or must describe the specific location of any sign found to be in violation.

(d-1)  A complaint filed with the attorney general under Subsection (d) [~~this subsection~~] must include evidence of the violation and a copy of the written notice provided to the agency or subdivision.

(f)  Before a suit may be brought against a state agency or a political subdivision of the state for a violation of Subsection (a), the attorney general must investigate the complaint to determine whether legal action is warranted. If legal action is warranted, the attorney general must give the chief administrative officer of the agency or political subdivision charged with the violation a written notice that:

(1)  describes the violation and includes the information described by Subsection (d) [~~specific location of the sign found to be in violation~~];

(2)  states the amount of the proposed penalty for the violation; and

(3)  gives the agency or political subdivision 15 days from receipt of the notice to [~~remove the sign and~~] cure the violation to avoid the penalty, unless the agency or political subdivision was found liable by a court for previously violating Subsection (a).

SECTION 24.  Section 12.092(b), Health and Safety Code, is amended to read as follows:

(b)  The medical advisory board shall assist the Department of Public Safety of the State of Texas in determining whether:

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

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

SECTION 25.  Section 42.042(e-2), Human Resources Code, is amended to read as follows:

(e-2)  The department may not prohibit the foster parent of a child who resides in the foster family's home from transporting the child in a vehicle where a handgun is present if the handgun is in the possession and control of the foster parent and the foster parent is not prohibited from possessing a firearm [~~licensed to carry the handgun under Subchapter H, Chapter 411, Government Code~~].

SECTION 26.  Section 52.062(a), Labor Code, is amended to read as follows:

(a)  Section 52.061 does not:

(1)  authorize a person who is not prohibited from possessing [~~holds a license to carry a handgun under Subchapter H, Chapter 411, Government Code, who otherwise lawfully possesses~~] a firearm[~~,~~] or [~~who lawfully possesses~~] ammunition to possess a firearm or ammunition on any property where the possession of a firearm or ammunition is prohibited by state or federal law; or

(2)  apply to:

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

(B)  a school district;

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

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

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

(F)  property owned or leased by a chemical manufacturer or oil and gas refiner with an air authorization under Chapter 382, Health and Safety Code, and on which the primary business conducted is the manufacture, use, storage, or transportation of hazardous, combustible, or explosive materials, except in regard to an employee who is not prohibited from possessing a firearm or ammunition [~~holds a license to carry a handgun under Subchapter H, Chapter 411, Government Code,~~] and [~~who~~] stores the [~~a~~] firearm or ammunition [~~the employee is authorized by law to possess~~] in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area the employer provides for employees that is outside of a secured and restricted area:

(i)  that contains the physical plant;

(ii)  that is not open to the public; and

(iii)  the ingress into which is constantly monitored by security personnel.

SECTION 27.  Section 191.010(a), Local Government Code, is amended to read as follows:

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

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

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

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

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

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

(6)  a federally recognized tribal enrollment card or other form of tribal identification that has not expired or that expired no earlier than 60 days before the date of presentation;

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

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

SECTION 28.  Section 229.001(b), Local Government Code, is amended to read as follows:

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

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

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

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

(4)  regulate the use of firearms, air guns, or knives in the case of an insurrection, riot, or natural disaster if the municipality finds the regulations necessary to protect public health and safety;

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

(6)  regulate the carrying of a firearm or air gun, [~~by a person~~] other than a [~~person licensed to carry a~~] handgun carried by a person not prohibited from possessing a firearm [~~under Subchapter H, Chapter 411, Government Code~~], at a:

(A)  [~~public park;~~

[~~(B)~~]  public meeting of a municipality, county, or other governmental body;

[~~(C)  political rally, parade, or official political meeting;~~] or

(B) [~~(D)~~]  nonfirearms-related school, college, or professional athletic event;

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

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

(A)  public property; or

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

SECTION 29.  Sections 62.082(d) and (e), Parks and Wildlife Code, are amended to read as follows:

(d)  Section 62.081 does not apply to:

(1)  an employee of the Lower Colorado River Authority;

(2)  a person authorized to hunt under Subsection (c);

(3)  a peace officer as defined by Article 2.12, Code of Criminal Procedure; or

(4)  a person who:

(A)  is carrying [~~possesses~~] a handgun [~~and a license issued under Subchapter H, Chapter 411, Government Code, to carry a handgun~~]; or

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

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

(1)  carrying [~~possessing~~] a handgun; or

(2)  under circumstances in which the person would be justified in the use of deadly force under Chapter 9, Penal Code, shooting a handgun.

SECTION 30.  Section 284.001(e), Parks and Wildlife Code, is amended to read as follows:

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

SECTION 31.  Section 30.05(f), Penal Code, is amended to read as follows:

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

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

(2)  the person was carrying[~~:~~

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

[~~(B)~~]  a handgun:

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

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

SECTION 32.  The heading to Section 30.06, Penal Code, is amended to read as follows:

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

SECTION 33.  Sections 30.06(a), (c), (d), and (e), Penal Code, are amended to read as follows:

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

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

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

(c)  In this section:

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

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

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

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

(B)  a sign posted on the property that:

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

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

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

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

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

SECTION 34.  The heading to Section 30.07, Penal Code, is amended to read as follows:

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

SECTION 35.  Sections 30.07(a), (c), (d), (e), and (f), Penal Code, are amended to read as follows:

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

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

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

(c)  In this section:

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

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

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

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

(B)  a sign posted on the property that:

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

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

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

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

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

(f)  It is not a defense to prosecution under this section that the handgun was carried in a [~~shoulder or belt~~] holster.

SECTION 36.  The following provisions are repealed:

(1)  Sections 11.041, 11.61(e), 61.11, and 61.71(f), Alcoholic Beverage Code;

(2)  Sections 411.204(d) and 411.205, Government Code;

(3)  Sections 46.02(a-1) and 46.15(j), Penal Code; and

(4)  Section 46.035(h-1), Penal Code, as added by Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007.

SECTION 37.  The change in law made by this Act relating to the carrying of a handgun applies to the carrying of a handgun on or after the effective date of this Act by any person not prohibited from possessing a firearm.

SECTION 38.  The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 39.  This Act takes effect September 1, 2019.