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H.B. No. 302

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the carrying, storage, or possession of a firearm or
3 firearm ammunition by certain persons on certain residential or
4 commercial property.

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

6 SECTION 1. Section 30.05, Penal Code, is amended by adding
7 Subsections (f-1), (f-2), and (f-3) to read as follows:

8 (f-1) It is a defense to prosecution under this section
9 that:

10 (1) the basis on which entry on the property was
11 forbidden is that entry with a firearm or firearm ammunition was
12 forbidden;

13 (2) the actor is:

14 (A) an owner of an apartment in a condominium
15 regime governed by Chapter 81, Property Code;

16 (B) an owner of a condominium unit governed by
17 Chapter 82, Property Code;

18 (C) a tenant or guest of an owner described by
19 Paragraph (A) or (B); or

20 (D) a guest of a tenant of an owner described by
21 Paragraph (A) or (B);

22 (3) the actor:

23 (A) carries or stores a firearm or firearm
24 ammunition in the condominium apartment or unit owner's apartment

1 or unit;

2 (B) carries a firearm or firearm ammunition
3 directly en route to or from the condominium apartment or unit
4 owner's apartment or unit;

5 (C) carries a firearm or firearm ammunition
6 directly en route to or from the actor's vehicle located in a
7 parking area provided for residents or guests of the condominium
8 property; or

9 (D) carries or stores a firearm or firearm
10 ammunition in the actor's vehicle located in a parking area
11 provided for residents or guests of the condominium property; and

12 (4) the actor is not otherwise prohibited by law from
13 possessing a firearm or firearm ammunition.

14 (f-2) It is a defense to prosecution under this section
15 that:

16 (1) the basis on which entry on a leased premises
17 governed by Chapter 92, Property Code, was forbidden is that entry
18 with a firearm or firearm ammunition was forbidden;

19 (2) the actor is a tenant of the leased premises or the
20 tenant's guest;

21 (3) the actor:

22 (A) carries or stores a firearm or firearm
23 ammunition in the tenant's rental unit;

24 (B) carries a firearm or firearm ammunition
25 directly en route to or from the tenant's rental unit;

26 (C) carries a firearm or firearm ammunition
27 directly en route to or from the actor's vehicle located in a

1 parking area provided for tenants or guests by the landlord of the
2 leased premises; or

3 (D) carries or stores a firearm or firearm
4 ammunition in the actor's vehicle located in a parking area
5 provided for tenants or guests by the landlord of the leased
6 premises; and

7 (4) the actor is not otherwise prohibited by law from
8 possessing a firearm or firearm ammunition.

9 (f-3) It is a defense to prosecution under this section
10 that:

11 (1) the basis on which entry on a leased premises
12 governed by Chapter 94, Property Code, was forbidden is that entry
13 with a firearm or firearm ammunition was forbidden;

14 (2) the actor is a tenant of a manufactured home lot or
15 the tenant's guest;

16 (3) the actor:

17 (A) carries or stores a firearm or firearm
18 ammunition in the tenant's manufactured home;

19 (B) carries a firearm or firearm ammunition
20 directly en route to or from the tenant's manufactured home;

21 (C) carries a firearm or firearm ammunition
22 directly en route to or from the actor's vehicle located in a
23 parking area provided for tenants or tenants' guests by the
24 landlord of the leased premises; or

25 (D) carries or stores a firearm or firearm
26 ammunition in the actor's vehicle located in a parking area
27 provided for tenants or tenants' guests by the landlord of the

1 leased premises; and

2 (4) the actor is not otherwise prohibited by law from
3 possessing a firearm or firearm ammunition.

4 SECTION 2. Section 30.06, Penal Code, is amended by adding
5 Subsections (e-1), (e-2), and (e-3) to read as follows:

6 (e-1) It is a defense to prosecution under this section
7 that:

8 (1) the license holder is:

9 (A) an owner of an apartment in a condominium
10 regime governed by Chapter 81, Property Code;

11 (B) an owner of a condominium unit governed by
12 Chapter 82, Property Code;

13 (C) a tenant or guest of an owner described by
14 Paragraph (A) or (B); or

15 (D) a guest of a tenant of an owner described by
16 Paragraph (A) or (B); and

17 (2) the license holder:

18 (A) carries or stores a handgun in the
19 condominium apartment or unit owner's apartment or unit;

20 (B) carries a handgun directly en route to or
21 from the condominium apartment or unit owner's apartment or unit;

22 (C) carries a handgun directly en route to or
23 from the license holder's vehicle located in a parking area
24 provided for residents or guests of the condominium property; or

25 (D) carries or stores a handgun in the license
26 holder's vehicle located in a parking area provided for residents
27 or guests of the condominium property.

1 (e-2) It is a defense to prosecution under this section
2 that:

3 (1) the license holder is a tenant of a leased premises
4 governed by Chapter 92, Property Code, or the tenant's guest; and

5 (2) the license holder:

6 (A) carries or stores a handgun in the tenant's
7 rental unit;

8 (B) carries a handgun directly en route to or
9 from the tenant's rental unit;

10 (C) carries a handgun directly en route to or
11 from the license holder's vehicle located in a parking area
12 provided for tenants or guests by the landlord of the leased
13 premises; or

14 (D) carries or stores a handgun in the license
15 holder's vehicle located in a parking area provided for tenants or
16 guests by the landlord of the leased premises.

17 (e-3) It is a defense to prosecution under this section
18 that:

19 (1) the license holder is a tenant of a manufactured
20 home lot governed by Chapter 94, Property Code, or the tenant's
21 guest; and

22 (2) the license holder:

23 (A) carries or stores a handgun in the tenant's
24 manufactured home;

25 (B) carries a handgun directly en route to or
26 from the tenant's manufactured home;

27 (C) carries a handgun directly en route to or

1 from the license holder's vehicle located in a parking area
2 provided for tenants or tenants' guests by the landlord of the
3 leased premises; or

4 (D) carries or stores a handgun in the license
5 holder's vehicle located in a parking area provided for tenants or
6 tenants' guests by the landlord of the leased premises.

7 SECTION 3. Section 30.07, Penal Code, is amended by adding
8 Subsections (e-1), (e-2), and (e-3) to read as follows:

9 (e-1) It is a defense to prosecution under this section
10 that:

11 (1) the license holder is:

12 (A) an owner of an apartment in a condominium
13 regime governed by Chapter 81, Property Code;

14 (B) an owner of a condominium unit governed by
15 Chapter 82, Property Code;

16 (C) a tenant or guest of an owner described by
17 Paragraph (A) or (B); or

18 (D) a guest of a tenant of an owner described by
19 Paragraph (A) or (B); and

20 (2) the license holder:

21 (A) carries or stores a handgun in the
22 condominium apartment or unit owner's apartment or unit;

23 (B) carries a handgun directly en route to or
24 from the condominium apartment or unit owner's apartment or unit;

25 (C) carries a handgun directly en route to or
26 from the license holder's vehicle located in a parking area
27 provided for residents or guests of the condominium property; or

1 (D) carries or stores a handgun in the license
2 holder's vehicle located in a parking area provided for residents
3 or guests of the condominium property.

4 (e-2) It is a defense to prosecution under this section
5 that:

6 (1) the license holder is a tenant of a leased premises
7 governed by Chapter 92, Property Code, or the tenant's guest; and

8 (2) the license holder:

9 (A) carries or stores a handgun in the tenant's
10 rental unit;

11 (B) carries a handgun directly en route to or
12 from the tenant's rental unit;

13 (C) carries a handgun directly en route to or
14 from the license holder's vehicle located in a parking area
15 provided for tenants or guests by the landlord of the leased
16 premises; or

17 (D) carries or stores a handgun in the license
18 holder's vehicle located in a parking area provided for tenants or
19 guests by the landlord of the leased premises.

20 (e-3) It is a defense to prosecution under this section
21 that:

22 (1) the license holder is a tenant of a manufactured
23 home lot governed by Chapter 94, Property Code, or the tenant's
24 guest; and

25 (2) the license holder:

26 (A) carries or stores a handgun in the tenant's
27 manufactured home;

1 (B) carries a handgun directly en route to or
2 from the tenant's manufactured home;

3 (C) carries a handgun directly en route to or
4 from the license holder's vehicle located in a parking area
5 provided for tenants or tenants' guests by the landlord of the
6 leased premises; or

7 (D) carries or stores a handgun in the license
8 holder's vehicle located in a parking area provided for tenants or
9 tenants' guests by the landlord of the leased premises.

10 SECTION 4. Section 82.002, Property Code, is amended by
11 adding Subsection (c-1) to read as follows:

12 (c-1) Section 82.121 applies to a condominium for which the
13 declaration was recorded before January 1, 1994.

14 SECTION 5. Subchapter C, Chapter 82, Property Code, is
15 amended by adding Section 82.121 to read as follows:

16 Sec. 82.121. POSSESSION OF FIREARM OR FIREARM AMMUNITION ON
17 CONDOMINIUM PROPERTY. (a) Unless possession of a firearm or
18 firearm ammunition on condominium property is prohibited by state
19 or federal law, a condominium unit owner, or a tenant or guest of a
20 condominium unit owner, or a guest of a tenant of a condominium unit
21 owner may not be prohibited from lawfully possessing, carrying,
22 transporting, or storing a firearm, any part of a firearm, or
23 firearm ammunition:

24 (1) in the condominium unit owner's unit;

25 (2) in a vehicle located in a parking area provided for
26 the residents or guests of the condominium property; or

27 (3) in other common element locations as necessary to:

- 1 (A) enter or exit the condominium property;
2 (B) enter or exit the condominium unit owner's
3 unit; or
4 (C) enter or exit a vehicle on the condominium
5 property or located in a parking area provided for residents or
6 guests of the condominium property.

7 (b) This section applies notwithstanding any provision of a
8 dedicatory instrument to the contrary and regardless of the date of
9 the provision's adoption.

10 SECTION 6. Subchapter A, Chapter 92, Property Code, is
11 amended by adding Section 92.026 to read as follows:

12 Sec. 92.026. POSSESSION OF FIREARMS OR FIREARM AMMUNITION
13 ON LEASED PREMISES. Unless possession of a firearm or firearm
14 ammunition on a landlord's property is prohibited by state or
15 federal law, a landlord may not prohibit a tenant or a tenant's
16 guest from lawfully possessing, carrying, transporting, or storing
17 a firearm, any part of a firearm, or firearm ammunition:

- 18 (1) in the tenant's rental unit;
19 (2) in a vehicle located in a parking area provided for
20 tenants or guests by the landlord of the leased premises; or
21 (3) in other locations controlled by the landlord as
22 necessary to:

- 23 (A) enter or exit the tenant's rental unit;
24 (B) enter or exit the leased premises; or
25 (C) enter or exit a vehicle on the leased
26 premises or located in a parking area provided by the landlord for
27 tenants or guests.

1 SECTION 7. Subchapter F, Chapter 94, Property Code, is
2 amended by adding Section 94.257 to read as follows:

3 Sec. 94.257. POSSESSION OF FIREARM OR FIREARM AMMUNITION ON
4 LEASED PREMISES. Unless possession of a firearm or firearm
5 ammunition on a landlord's property is prohibited by state or
6 federal law, a landlord may not prohibit a tenant or a tenant's
7 guest from lawfully possessing, carrying, transporting, or storing
8 a firearm, any part of a firearm, or firearm ammunition:

9 (1) in the tenant's manufactured home;

10 (2) in a vehicle located in a parking area provided for
11 tenants or tenants' guests by the landlord of the leased premises;
12 or

13 (3) in other locations controlled by the landlord as
14 necessary to:

15 (A) enter or exit the tenant's manufactured home;

16 (B) enter or exit the leased premises; or

17 (C) enter or exit a vehicle on the leased
18 premises or located in a parking area provided by the landlord for
19 tenants or tenants' guests.

20 SECTION 8. Sections 30.05, 30.06, and 30.07, Penal Code, as
21 amended by this Act, apply only to an offense committed on or after
22 the effective date of this Act. An offense committed before the
23 effective date of this Act is governed by the law in effect on the
24 date the offense was committed, and the former law is continued in
25 effect for that purpose. For purposes of this section, an offense
26 was committed before the effective date of this Act if any element
27 of the offense occurred before that date.

1 SECTION 9. Sections 92.026 and 94.257, Property Code, as
2 added by this Act, do not affect the enforceability of a provision
3 in a lease agreement entered into or renewed before the effective
4 date of this Act.

5 SECTION 10. This Act takes effect September 1, 2019.