

By: Paul, Nevárez, Burns, King of Parker,  
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H.B. No. 302

Substitute the following for H.B. No. 302:

By: Burns

C.S.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 93, Property Code, was forbidden is that entry  
13 with a firearm or firearm ammunition was forbidden;

14 (2) the actor is a tenant of the leased premises or the  
15 tenant's employee or agent;

16 (3) the actor:

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

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

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, the tenant's employees or  
24 agents, or guests by the 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, the tenant's employees or agents, or guests

1 by the landlord of the 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) Except for property described by Sections  
18 46.035(a-2), (a-3), (b)(4), (5), and (6), and (c), it is a defense  
19 to prosecution under this section that:

20               (1) the license holder is a tenant of a leased premises  
21 governed by Chapter 93, Property Code, or the tenant's employee or  
22 agent; and

23               (2) the license holder:

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

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

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

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

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

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

13                   (1) the license holder 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); and

22                   (2) the license holder:

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

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

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 residents or guests of the condominium property; or

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

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

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

10 (2) the license holder:

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

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

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

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

22 (e-3) Except for property described by Sections  
23 46.035(a-2), (a-3), (b)(4), (5), and (6), and (c), it is a defense  
24 to prosecution under this section that:

25 (1) the license holder is a tenant of a leased premises  
26 governed by Chapter 93, Property Code, or the tenant's employee or  
27 agent; and

1           (2) the license holder:

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

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

6                   (C) carries a handgun directly en route to or  
7 from the license holder's vehicle located in a parking area  
8 provided for tenants, tenants' employees or agents, or guests by  
9 the landlord of the leased premises; or

10                   (D) carries or stores a handgun in the license  
11 holder's vehicle located in a parking area provided for tenants,  
12 tenants' employees or agents, or guests by the landlord of the  
13 leased premises.

14           SECTION 4. Section [82.002](#), Property Code, is amended by  
15 adding Subsection (c-1) to read as follows:

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

18           SECTION 5. Subchapter C, Chapter [82](#), Property Code, is  
19 amended by adding Section 82.121 to read as follows:

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



- 1           (1) in the condominium unit owner's unit;  
2           (2) in a vehicle located in a parking area provided for  
3 the residents or guests of the condominium property; or  
4           (3) in other common element locations as necessary to:  
5                 (A) enter or exit the condominium property;  
6                 (B) enter or exit the condominium unit owner's  
7 unit; or  
8                 (C) enter or exit a vehicle on the condominium  
9 property or located in a parking area provided for residents or  
10 guests of the condominium property.

11           (b) This section applies notwithstanding any provision of a  
12 dedicatory instrument to the contrary and regardless of the date of  
13 the provision's adoption.

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

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

- 22                 (1) in the tenant's rental unit;  
23                 (2) in a vehicle located in a parking area provided for  
24 tenants or guests by the landlord of the leased premises; or  
25                 (3) in other locations controlled by the landlord as  
26 necessary to:  
27                 (A) enter or exit the tenant's rental unit;

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

2           (C) enter or exit a vehicle on the leased  
3 premises or located in a parking area provided by the landlord for  
4 tenants or guests.

5           SECTION 7. Chapter 93, Property Code, is amended by adding  
6 Section 93.014 to read as follows:

7           Sec. 93.014. POSSESSION OF FIREARM OR FIREARM AMMUNITION ON  
8 LEASED PREMISES. (a) Unless possession of a firearm or firearm  
9 ammunition on a landlord's property is prohibited by state or  
10 federal law, a landlord may not prohibit a tenant or a tenant's  
11 employee or agent from lawfully possessing, carrying,  
12 transporting, or storing a firearm, any part of a firearm, or  
13 firearm ammunition:

14                 (1) on the tenant's leased premises;

15                 (2) in a vehicle located in a parking area provided for  
16 tenants, tenants' employees or agents, or guests by the landlord of  
17 the leased premises; or

18                 (3) in other locations controlled by the landlord as  
19 necessary to:

20                         (A) enter or exit the tenant's leased premises;

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

22                         (C) enter or exit a vehicle on the leased  
23 premises or located in a parking area provided by the landlord for  
24 tenants, tenants' employees or agents, or guests.

25           (b) Unless possession of a firearm or firearm ammunition on  
26 a landlord's property is prohibited by state or federal law, a  
27 landlord may not prohibit a tenant or a tenant's customer or guest

1 from lawfully possessing, carrying, transporting, or storing a  
2 firearm, any part of a firearm, or firearm ammunition in a vehicle  
3 located in a parking area provided for tenants or customers or  
4 guests of tenants by the landlord of the leased premises.

5         SECTION 8. Sections 30.05, 30.06, and 30.07, Penal Code, as  
6 amended by this Act, apply only to an offense committed on or after  
7 the effective date of this Act. An offense committed before the  
8 effective date of this Act is governed by the law in effect on the  
9 date the offense was committed, and the former law is continued in  
10 effect for that purpose. For purposes of this section, an offense  
11 was committed before the effective date of this Act if any element  
12 of the offense occurred before that date.

13         SECTION 9. Sections 92.026 and 93.014, Property Code, as  
14 added by this Act, do not affect the enforceability of a provision  
15 in a lease agreement entered into or renewed before the effective  
16 date of this Act.

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