

By: Anchia

H.B. No. 1166

A BILL TO BE ENTITLED

1 AN ACT
2 relating to wrongful exclusion of handgun license holders from
3 certain property owned by or leased to a governmental entity and to
4 certain offenses relating to the carrying of handguns on that
5 property.

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

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

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

21 (d) A resident of this state or a person licensed to carry a
22 handgun under this subchapter may file a complaint with the
23 attorney general that a state agency or political subdivision is in
24 violation of Subsection (a) if the resident or license holder

1 ~~[person]~~ provides the agency or subdivision a written notice that
2 describes the violation ~~[and specific location of the sign found to~~
3 ~~be in violation]~~ and the agency or subdivision does not cure the
4 violation before the end of the third business day after the date of
5 receiving the written notice. The written notice provided under
6 this subsection must include a copy of any document alleged to be in
7 violation or must describe the specific location of any sign found
8 to be in violation.

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

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

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

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

25 (3) gives the agency or political subdivision 15 days
26 from receipt of the notice to ~~[remove the sign and]~~ cure the
27 violation to avoid the penalty, unless the agency or political

1 subdivision was found liable by a court for previously violating
2 Subsection (a).

3 SECTION 2. Section 30.06(e), Penal Code, is amended to read
4 as follows:

5 (e) It is an exception to the application of this section
6 that the property on which the license holder carries a handgun:

7 (1) is owned and occupied [~~or leased~~] by a
8 governmental entity or leased to and occupied by a governmental
9 entity; and

10 (2) is not a premises or other place on which the
11 license holder is prohibited from carrying the handgun under
12 Section 46.03 or 46.035.

13 SECTION 3. Section 30.07(e), Penal Code, is amended to read
14 as follows:

15 (e) It is an exception to the application of this section
16 that the property on which the license holder openly carries the
17 handgun:

18 (1) is owned and occupied [~~or leased~~] by a
19 governmental entity or leased to and occupied by a governmental
20 entity; and

21 (2) is not a premises or other place on which the
22 license holder is prohibited from carrying the handgun under
23 Section 46.03 or 46.035.

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

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