

By: Krause, et al.

H.B. No. 1791

Substitute the following for H.B. No. 1791:

By: Clardy

C.S.H.B. No. 1791

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the carrying of handguns by license holders on property  
3 owned or leased by a governmental entity.

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

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

8 (a) Except as provided by Subsection (i), a state agency or  
9 a political subdivision of the state may not take any action,  
10 including an action consisting of the provision of [provide] notice  
11 by a communication described by Section 30.06 or 30.07, Penal Code,  
12 that states or implies [or by any sign expressly referring to that  
13 law or to a license to carry a handgun,] that a license holder who is  
14 carrying a handgun under the authority of this subchapter is  
15 prohibited from entering or remaining on a premises or other place  
16 owned or leased by the governmental entity unless license holders  
17 are prohibited from carrying a handgun on the premises or other  
18 place by Section 46.03 or 46.035, Penal Code, or other law.

19 (d) A resident of this state or a person licensed to carry a  
20 handgun under this subchapter may file a complaint with the  
21 attorney general that a state agency or political subdivision is in  
22 violation of Subsection (a) if the resident or license holder  
23 [person] provides the agency or subdivision a written notice that  
24 describes the location and general facts of the violation [and

1 ~~specific location of the sign found to be in violation]~~ and the  
2 agency or subdivision does not cure the violation before the end of  
3 the third business day after the date of receiving the written  
4 notice. A complaint filed with the attorney general under this  
5 subsection must include evidence of the violation and a copy of the  
6 written notice provided to the agency or subdivision.

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

14 (1) describes the violation [~~and specific location of~~  
15 ~~the sign found to be in violation]~~;

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

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

23 (j) In this section, "premises" has the meaning assigned by  
24 Section 46.035, Penal Code.

25 SECTION 2. Section 411.209, Government Code, as amended by  
26 this Act, applies only to conduct that occurs on or after the  
27 effective date of this Act.

1 SECTION 3. This Act takes effect September 1, 2019.