870202

FLOOR AMENDMENT NO. _____ By: Biedermann

Amend C.S.H.B. 1927 (house committee report) as follows:

(1) Add the following appropriately numbered SECTIONS and renumber the subsequent SECTIONS of the bill accordingly:

SECTION ___. Chapter 51, Education Code, is amended by adding Subchapter Z-1, and a heading is added to that subchapter to read as follows:

SUBCHAPTER Z-1. MISCELLANEOUS PROVISIONS RELATING TO FIREARMS

SECTION ___. Sections 411.2031 and 411.2032, Government Code, are transferred to Subchapter Z-1, Chapter 51, Education Code, as added by this Act, redesignated as Sections 51.991, 51.992, and 51.993, Education Code, and amended to read as follows:

Sec. 51.991. DEFINITIONS [~~411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON CERTAIN CAMPUSES~~]. [~~(a)~~] For purposes of this subchapter [~~section~~]:

(1) "Campus" means all land and buildings owned or leased by an institution of higher education or private or independent institution of higher education.

(2) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003[~~, Education Code~~].

(3) "Premises" has the meaning assigned by Section 46.03 [~~46.035~~], Penal Code.

Sec. 51.992. CARRYING OF HANDGUNS ON CERTAIN CAMPUSES. (a) [~~(b)~~] A person who is not otherwise prohibited by law from carrying a handgun [~~license holder~~] may carry a [~~concealed~~] handgun in a concealed manner [~~on or about the license holder's person~~] while the person [~~license holder~~] is on the campus of an institution of higher education or private or independent institution of higher education in this state.

(b) [~~(c)~~] Except as provided by Subsection (c), (d), [~~(d-1),~~] or (h) [~~(e)~~], an institution of higher education or private or independent institution of higher education in this state may not adopt any rule, regulation, or other provision prohibiting a person who is not otherwise prohibited by law from carrying a handgun [~~license holders~~] from carrying a handgun [~~handguns~~] on the campus of the institution.

(c) [~~(d)~~] An institution of higher education or private or independent institution of higher education in this state may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories or other residential facilities that are owned or leased and operated by the institution and located on the campus of the institution.

(d) [~~(d-1)~~] After consulting with students, staff, and faculty of the institution regarding the nature of the student population, specific safety considerations, and the uniqueness of the campus environment, the president or other chief executive officer of an institution of higher education in this state shall establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns [~~by license holders~~] on the campus of the institution or on premises located on the campus of the institution. The president or officer may not establish provisions that generally prohibit or have the effect of generally prohibiting a person who is not otherwise prohibited by law from carrying a handgun [~~license holders~~] from carrying concealed handguns on the campus of the institution. The president or officer may amend the provisions as necessary for campus safety. The provisions take effect as determined by the president or officer unless subsequently amended by the board of regents or other governing board under Subsection (e) [~~(d-2)~~]. The institution must give effective notice under Section 30.06, Penal Code, with respect to any portion of a premises that is subject to

provisions established by the institution under this subsection [~~on which license holders may not carry~~].

(e) [~~(d-2)~~] Not later than the 90th day after the date that the rules, regulations, or other provisions are established as described by Subsection (d) [~~(d-1)~~], the board of regents or other governing board of the institution of higher education shall review the provisions. The board of regents or other governing board may, by a vote of not less than two-thirds of the board, amend wholly or partly the provisions established under Subsection (d) [~~(d-1)~~]. If amended under this subsection, the provisions are considered to be those of the institution as established under Subsection (d) [~~(d-1)~~].

(f) [~~(d-3)~~] An institution of higher education shall widely distribute the rules, regulations, or other provisions described by Subsection (d) [~~(d-1)~~] to the institution's students, staff, and faculty, including by prominently publishing the provisions on the institution's Internet website.

(g) [~~(d-4)~~] Not later than September 1 of each even-numbered year, each institution of higher education in this state shall submit a report to the legislature and to the standing committees of the legislature with jurisdiction over the implementation and continuation of this section that:

(1) describes its rules, regulations, or other provisions regarding the carrying of concealed handguns on the campus of the institution; and

(2) explains the reasons the institution has established those provisions.

(h) [~~(e)~~] A private or independent institution of higher education in this state, after consulting with students, staff, and faculty of the institution, may establish rules, regulations, or other provisions prohibiting a person, including a person who is not otherwise prohibited by law from carrying a handgun,

[~~license holders~~] from carrying a handgun [~~handguns~~] on the campus of the institution, any grounds or building on which an activity sponsored by the institution is being conducted, or a passenger transportation vehicle owned by the institution.

Sec. 51.993 [~~411.2032~~]. TRANSPORTATION AND STORAGE OF FIREARMS AND AMMUNITION [~~BY LICENSE HOLDERS~~] IN PRIVATE VEHICLES ON CERTAIN CAMPUSES. [~~(a) For purposes of this section:~~

[~~(1) "Campus" means all land and buildings owned or leased by an institution of higher education or private or independent institution of higher education.~~

[~~(2) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.~~

[~~(b)~~] An institution of higher education or private or independent institution of higher education in this state may not adopt or enforce any rule, regulation, or other provision or take any other action, including posting notice under Section 30.06 or 30.07, Penal Code, prohibiting or placing restrictions on the storage or transportation of a firearm or ammunition in a locked, privately owned or leased motor vehicle by a person, including a student enrolled at that institution, who is not otherwise prohibited by law from carrying [~~holds a license to carry a handgun under this subchapter and lawfully possesses~~] the firearm or ammunition:

(1) on a street or driveway located on the campus of the institution; or

(2) in a parking lot, parking garage, or other parking area located on the campus of the institution.

SECTION ___. Subchapter Z-1, Chapter 51, Education Code, as added by this Act, is amended by adding Section 51.994 to read as follows:

Sec. 51.994. LIMITATION OF LIABILITY. (a) A cause of action in damages may not be brought against an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 51.992(h), or an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 51.992(h) for damages caused by the actions of a person who carries a handgun on the campus of the institution, any grounds or building on which an activity sponsored by the institution is being conducted, or a passenger transportation vehicle owned by the institution, and a court may not hold such an institution, officer, or employee liable for those damages.

(b) The immunities granted under Subsection (a) do not apply to:

(1) an act or a failure to act by an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 51.992(h), or an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 51.992(h) if the act or failure to act was capricious or arbitrary; or

(2) any officer or employee of an institution of higher education or private or independent institution of higher education described by Subdivision (1) who possesses a handgun on the campus of that institution and whose conduct with regard to the handgun is made the basis of a claim for personal injury or property damage.

SECTION ___. Sections 411.208(a), (b), and (d), Government Code, are amended to read as follows:

(a) A court may not hold the state, an agency or subdivision of the state, an officer or employee of the state, [~~an institution~~

~~of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(c), an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(c),~~] a peace officer, a qualified handgun instructor, or an approved online course provider liable for damages caused by:

(1) an action authorized under this subchapter or a failure to perform a duty imposed by this subchapter; or

(2) the actions of an applicant or license holder that occur after the applicant has received a license or been denied a license under this subchapter.

(b) A cause of action in damages may not be brought against the state, an agency or subdivision of the state, an officer or employee of the state, [~~an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(c), an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(c),~~] a peace officer, a qualified handgun instructor, or an approved online course provider for any damage caused by the actions of an applicant or license holder under this subchapter.

(d) The immunities granted under Subsections (a), (b), and (c) do not apply to[~~:~~

[~~(1)~~] an act or a failure to act by the state, an agency or subdivision of the state, an officer of the state, [~~an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(c), an officer or employee of a private or independent institution of higher education that has not adopted~~

~~rules under Section 411.2031(c),~~] or a peace officer if the act or failure to act was capricious or arbitrary[~~; or~~

[~~(2) any officer or employee of an institution of higher education or private or independent institution of higher education described by Subdivision (1) who possesses a handgun on the campus of that institution and whose conduct with regard to the handgun is made the basis of a claim for personal injury or property damage~~].

(2) Strike page 5, lines 4 through 7.

(3) Strike page 12, lines 5 through 12, and substitute the following:

(B) the person possesses or goes with a concealed handgun that the person is not otherwise prohibited by law from carrying [~~licensed to carry under Subchapter H, Chapter 411, Government Code~~], and no other weapon to which this section applies, on the premises of an institution of higher education or private or independent institution of higher education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution;

(4) Strike page 13, line 24 through page 15, line 3, and substitute the following:

(a-2) Notwithstanding Section 46.02(a-5), a person commits an offense if the person carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, and intentionally or knowingly displays the handgun in plain view of another person:

(1) on the premises of an institution of higher education or private or independent institution of higher education; or

(2) on any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of

an institution of higher education or private or independent institution of higher education.

(a-3) Notwithstanding Subsection (a) or Section 46.02(a-5), a person commits an offense if the person carries a handgun on the campus of a private or independent institution of higher education in this state that has established rules, regulations, or other provisions prohibiting a person from carrying a handgun under Section 51.992(h), Education Code, or on the grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution, regardless of whether the handgun is concealed, provided the institution gives effective notice under Section 30.06.

(a-4) Notwithstanding Subsection (a) or Section 46.02(a-5), a persono commits an offense if the person intentionally carries a concealed handgun on a portion of a premises located on the campus of an institution of higher education in this state on which the carrying of a concealed handgun is prohibited by rules, regulations, or other provisions established under Section 51.992(d), Education Code, provided the institution gives effective notice under Section 30.06 with respect to that portion.

(5) In SECTION 21, insert the following appropriately numbered subsection and renumber subsequent subsections accordingly:

(___) Section 411.208(f), Government Code;