87R3016 AJZ-F

By:  Anchia H.B. No. 1767

A BILL TO BE ENTITLED

AN ACT

relating to wrongful exclusion of handgun license holders from certain property owned by or leased to a governmental entity and to certain offenses relating to the carrying of handguns on that property.

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

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

(a)  Except as provided by Subsection (i), a state agency or a political subdivision of the state may not take any action, including an action consisting of the provision of notice by a communication described by Section 30.06 or 30.07, Penal Code, that states or implies that a license holder who is carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned and occupied by the governmental entity or leased to and occupied by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03 or 46.035, Penal Code, or other law.

(d)  A resident of this state or a person licensed to carry a handgun under this subchapter may file a complaint with the attorney general that a state agency or political subdivision is in violation of Subsection (a) if the resident or license holder provides the agency or subdivision a written notice that describes the [~~location and~~] general facts of the violation and the agency or subdivision does not cure the violation before the end of the third business day after the date of receiving the written notice. The written notice provided under this subsection must include a copy of any document alleged to be in violation or must describe the specific location of any sign found to be in violation.

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

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

(1)  describes the violation and includes the information described by Subsection (d);

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

(3)  gives the agency or political subdivision 15 days from receipt of the notice to cure the violation to avoid the penalty, unless the agency or political subdivision was found liable by a court for previously violating Subsection (a).

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

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

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

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

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

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

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

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

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

SECTION 5.  This Act takes effect September 1, 2021.