87R1396 AJZ-D

By:  Anchia H.B. No. 1769

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of handguns on the campuses of and certain other locations associated with institutions of higher education.

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

SECTION 1.  Section 411.2031(e), Government Code, is amended to read as follows:

(e)  An institution of higher education or [~~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 license holders from carrying 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.

SECTION 2.  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(e), an officer or employee of an institution of higher education or [~~a~~] private or independent institution of higher education that has not adopted rules under Section 411.2031(e), 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(e), an officer or employee of an institution of higher education or [~~a~~] private or independent institution of higher education that has not adopted rules under Section 411.2031(e), 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(e), an officer or employee of an institution of higher education or [~~a~~] private or independent institution of higher education that has not adopted rules under Section 411.2031(e), 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.

SECTION 3.  Sections 46.035(a-2), (h), and (j), Penal Code, are amended to read as follows:

(a-2)  Notwithstanding Subsection (a) or Section 46.03(a), a license holder commits an offense if the license holder carries a handgun on the campus of an institution of higher education or [~~a~~] private or independent institution of higher education in this state that has established rules, regulations, or other provisions prohibiting license holders from carrying handguns pursuant to Section 411.2031(e), Government Code, or on the grounds or building on which an activity sponsored by such an institution is being conducted, or in a passenger transportation vehicle of such an institution, regardless of whether the handgun is concealed, provided the institution gives effective notice under Section 30.06.

(h)  It is a defense to prosecution under Subsection (a), (a-1), or (a-2)[~~, or (a-3)~~] that the actor, at the time of the commission of the offense, displayed the handgun under circumstances in which the actor would have been justified in the use of force or deadly force under Chapter 9.

(j)  Subsections (a), (a-1), (a-2), [~~(a-3),~~] and (b)(1) do not apply to a historical reenactment performed in compliance with the rules of the Texas Alcoholic Beverage Commission.

SECTION 4.  The following laws are repealed:

(1)  Sections 411.2031(c), (d-1), (d-2), (d-3), and (d-4), Government Code; and

(2)  Section 46.035(a-3), Penal Code.

SECTION 5.  Section 411.208, Government Code, as amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 6.  The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7.  This Act takes effect September 1, 2021.