87R8153 JSC-D

By:  Hefner H.B. No. 2900

A BILL TO BE ENTITLED

AN ACT

relating to provisions governing the carrying of a firearm by a person who is not otherwise prohibited by state or federal law from possessing the firearm and to other provisions related to the carrying, possessing, transporting, or storing of a firearm; making conforming changes.

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

ARTICLE 1. SHORT TITLE

SECTION 1.01.  This Act shall be known as the Texas Constitutional Carry Act of 2021.

ARTICLE 2. CARRYING OF HANDGUNS, FIREARMS, AND OTHER WEAPONS; CRIMINAL PENALTIES

SECTION 2.01.  The heading to Section 46.02, Penal Code, is amended to read as follows:

Sec. 46.02.  UNLAWFUL CARRYING OF CERTAIN AGE-RESTRICTED WEAPONS.

SECTION 2.02.  Section 46.02(b), Penal Code, is amended to read as follows:

(b)  An [~~Except as provided by Subsection (c) or (d), an~~] offense under this section is a Class C [~~A~~] misdemeanor.

SECTION 2.03.  Sections 46.03(a), (e-1), (e-2), and (f), Penal Code, are amended to read as follows:

(a)  A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon listed in Section 46.05(a):

(1)  on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless:

(A)  pursuant to written regulations or written authorization of the institution; or

(B)  the person is not otherwise prohibited by law from possessing a firearm and possesses or goes with a [~~concealed~~] handgun [~~that the person is 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;

(2)  on the premises of a polling place on the day of an election or while early voting is in progress;

(3)  on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;

(4)  on the premises of a racetrack;

(5)  in or into a secured area of an airport; or

(6)  within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A)  going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B)  possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited.

(e-1)  It is a defense to prosecution under Subsection (a)(5) that the actor:

(1)  possessed, at the screening checkpoint for the secured area, a [~~concealed~~] handgun that the actor was not otherwise prohibited by state or federal law from possessing [~~licensed to carry under Subchapter H, Chapter 411, Government Code~~]; and

(2)  exited the screening checkpoint for the secured area immediately on [~~upon~~] completion of the required screening processes and notification that the actor possessed the handgun.

(e-2)  A peace officer investigating conduct that may constitute an offense under Subsection (a)(5) and that consists only of an actor's possession of a [~~concealed~~] handgun that the actor is not otherwise prohibited by state or federal law from possessing [~~licensed to carry under Subchapter H, Chapter 411, Government Code,~~] may not arrest the actor for the offense unless:

(1)  the officer advises the actor of the defense available under Subsection (e-1) and gives the actor an opportunity to exit the screening checkpoint for the secured area; and

(2)  the actor does not immediately exit the checkpoint on [~~upon~~] completion of the required screening processes.

(f)  Except as provided by Subsection (e-1), it is not a defense to prosecution under this section that the actor possessed a handgun and was:

(1)  licensed to carry a handgun under Subchapter H, Chapter 411, Government Code; or

(2)  not otherwise prohibited by state or federal law from possessing a firearm.

SECTION 2.04.  Chapter 46, Penal Code, is amended by adding Section 46.032 to read as follows:

Sec. 46.032.  CARRYING OF HANDGUN. Except as otherwise provided by this chapter or other law, a person who is not otherwise prohibited from possessing a firearm under Section 46.04 of this code, 18 U.S.C. Section 922, or other law:

(1)  is not prohibited from carrying a concealed handgun or a partially or wholly visible handgun in a holster; and

(2)  may not be required to obtain or hold a license for that purpose.

SECTION 2.05.  The heading to Section 46.035, Penal Code, is amended to read as follows:

Sec. 46.035.  UNLAWFUL CARRYING OF HANDGUN [~~BY LICENSE HOLDER~~].

SECTION 2.06.  Sections 46.035(a), (a-2), (a-3), (b), (c), (d), (h), and (j), Penal Code, are amended to read as follows:

(a)  A person [~~license holder~~] commits an offense if the person [~~license holder~~] carries a handgun [~~on or about the license holder's person under the authority of Subchapter H, Chapter 411, Government Code,~~] and intentionally displays the handgun in plain view of another person in a public place. It is an exception to the application of this subsection that the handgun was partially or wholly visible but was carried in a [~~shoulder or belt~~] holster [~~by the license holder~~].

(a-2)  Notwithstanding Subsection (a) or Section 46.03(a), a person [~~license holder~~] commits an offense if the person [~~license holder~~] 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 [~~license holders~~] from carrying a handgun under [~~handguns pursuant to~~] Section 51.992(h), Education [~~411.2031(e), Government~~] Code, or on the grounds or building on which an activity sponsored by the [~~such an~~] institution is being conducted, or in a passenger transportation vehicle of the [~~such an~~] institution, regardless of whether the handgun is concealed or carried in a holster, provided the institution gives effective notice under Section 30.06 or 30.07, as applicable.

(a-3)  Notwithstanding Subsection (a) or Section 46.03(a), a person [~~license holder~~] commits an offense if the person [~~license holder~~] 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 [~~411.2031(d-1), Government~~] Code, provided the institution gives effective notice under Section 30.06 or 30.07, as applicable, with respect to that portion.

(b)  A person [~~license holder~~] commits an offense if the person [~~license holder~~] intentionally, knowingly, or recklessly carries a handgun [~~under the authority of Subchapter H, Chapter 411, Government Code~~], regardless of whether the handgun is concealed or carried in a [~~shoulder or belt~~] holster[~~, on or about the license holder's person~~]:

(1)  on the premises of a business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, if the business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption, as determined by the Texas Alcoholic Beverage Commission under Section 104.06, Alcoholic Beverage Code;

(2)  on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the person [~~license holder~~] is a participant in the event and a handgun is used in the event;

(3)  on the premises of a correctional facility;

(4)  on the premises of a hospital licensed under Chapter 241, Health and Safety Code, or on the premises of a nursing facility licensed under Chapter 242, Health and Safety Code, unless the person [~~license holder~~] has written authorization of the hospital or nursing facility administration, as appropriate;

(5)  in an amusement park; or

(6)  on the premises of a civil commitment facility.

(c)  A person [~~license holder~~] commits an offense if:

(1)  the person [~~license holder~~] intentionally, knowingly, or recklessly carries a handgun [~~under the authority of Subchapter H, Chapter 411, Government Code~~], regardless of whether the handgun is concealed or carried in a [~~shoulder or belt~~] holster, in the room or rooms where a meeting of a governmental entity is held; and

(2)  [~~if~~] the meeting described by Subdivision (1) is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by that chapter.

(d)  A person [~~license holder~~] commits an offense if the person[~~, while intoxicated, the license holder~~] carries a handgun while the person is intoxicated [~~under the authority of Subchapter H, Chapter 411, Government Code~~], regardless of whether the handgun is concealed or carried in a [~~shoulder or belt~~] holster.

(h)  It is a defense to prosecution under Subsection (a), [~~(a-1),~~] (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 2.07.  Section 46.02(a-1), Penal Code, is transferred to Section 46.035, Penal Code, redesignated as Section 46.035(d-1), Penal Code, and amended to read as follows:

(d-1) [~~(a-1)~~]  A person commits an offense if the person intentionally, knowingly, or recklessly carries [~~on or about his or her person~~] a handgun, regardless of whether the handgun is concealed or carried in a holster, [~~in a motor vehicle or watercraft that is owned by the person or under the person's control~~] at any time in which[~~:~~

[~~(1)  the handgun is in plain view, unless the person is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code, and the handgun is carried in a shoulder or belt holster; or~~

[~~(2)~~]  the person is:

(1) [~~(A)~~]  engaged in criminal activity, other than a Class C misdemeanor that is a violation of a law or ordinance regulating traffic or boating; or

(2)  otherwise [~~(B)~~] prohibited by law from possessing a firearm[~~; or~~

[~~(C)  a member of a criminal street gang, as defined by Section 71.01~~].

SECTION 2.08.  Sections 46.15(a), (h), and (l), Penal Code, are amended to read as follows:

(a)  Sections [~~46.02 and~~] 46.03 and 46.035(b) and (c) do not apply to:

(1)  peace officers or special investigators under Article 2.122, Code of Criminal Procedure, and none of those sections prohibit [~~neither section prohibits~~] a peace officer or special investigator from carrying a weapon in this state, including in an establishment in this state serving the public, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon;

(2)  parole officers, and none of those sections prohibit [~~neither section prohibits~~] an officer from carrying a weapon in this state if the officer is:

(A)  engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B)  in compliance with policies and procedures adopted by the Texas Department of Criminal Justice regarding the possession of a weapon by an officer while on duty;

(3)  community supervision and corrections department officers appointed or employed under Section 76.004, Government Code, and none of those sections prohibit [~~neither section prohibits~~] an officer from carrying a weapon in this state if the officer is:

(A)  engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B)  authorized to carry a weapon under Section 76.0051, Government Code;

(4)  an active judicial officer as defined by Section 411.201, Government Code, who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(5)  an honorably retired peace officer or other qualified retired law enforcement officer, as defined by 18 U.S.C. Section 926C, who holds a certificate of proficiency issued under Section 1701.357, Occupations Code, and is carrying a photo identification that is issued by a federal, state, or local law enforcement agency, as applicable, and that verifies that the officer is an honorably retired peace officer or other qualified retired law enforcement officer;

(6)  the attorney general or a United States attorney, district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(7)  an assistant United States attorney, assistant attorney general, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(8)  a bailiff designated by an active judicial officer as defined by Section 411.201, Government Code, who is:

(A)  licensed to carry a handgun under Subchapter H, Chapter 411, Government Code; and

(B)  engaged in escorting the judicial officer;

(9)  a juvenile probation officer who is authorized to carry a firearm under Section 142.006, Human Resources Code; [~~or~~]

(10)  a person who is volunteer emergency services personnel if the person is:

(A)  licensed to carry [~~carrying~~] a handgun under [~~the authority of~~] Subchapter H, Chapter 411, Government Code; and

(B)  engaged in providing emergency services; or

(11)  a judge or justice of a federal court who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code.

(h)  The provisions of Section [~~Sections 46.02 and~~] 46.03 prohibiting the possession or carrying of a club do not apply to a code enforcement officer who:

(1)  holds a certificate of registration issued under Chapter 1952, Occupations Code; and

(2)  possesses or carries an instrument used specifically for deterring an animal bite while the officer is:

(A)  performing official duties; or

(B)  traveling to or from a place of duty.

(l)  Sections [~~46.02,~~] 46.03(a)(1), (a)(2), (a)(3), and (a)(4), and 46.035(a), [~~(a-1),~~] (a-2), (a-3), (b)(1), (b)(5), and (b)(6) do not apply to a person who carries a handgun if:

(1)  the person carries the handgun on the premises, as defined by the statute providing the applicable offense, of a location operating as an emergency shelter during a state of disaster declared under Section 418.014, Government Code, or a local state of disaster declared under Section 418.108, Government Code;

(2)  the owner, controller, or operator of the premises or a person acting with the apparent authority of the owner, controller, or operator, authorized the carrying of the handgun;

(3)  the person carrying the handgun complies with any rules and regulations of the owner, controller, or operator of the premises that govern the carrying of a handgun on the premises; and

(4)  the person is not prohibited by state or federal law from possessing a firearm.

SECTION 2.09.  The following provisions are repealed:

(1)  Sections 46.02(a), (c), and (d), Penal Code;

(2)  Section 46.035(f)(2), Penal Code;

(3)  Section 46.035(a-1), Penal Code, as added by Chapter 437 (H.B. 910), Acts of the 84th Legislature, Regular Session, 2015;

(4)  Section 46.035(a-1), Penal Code, as added by Chapter 438 (S.B. 11), Acts of the 84th Legislature, Regular Session, 2015;

(5)  Section 46.035(h-1), Penal Code, as added by Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007;

(6)  Section 46.035(h-1), Penal Code, as added by Chapter 1214 (H.B. 1889), Acts of the 80th Legislature, Regular Session, 2007; and

(7)  Sections 46.15(b), (d), (j), and (k), Penal Code.

ARTICLE 3. SIGNS AND NOTICE FOR LOCATIONS WHERE HANDGUNS, FIREARMS, OR OTHER WEAPONS PROHIBITED

SECTION 3.01.  Section 411.204(c), Government Code, is amended to read as follows:

(c)  The sign required under Subsections (a) and (b) must give notice in both English and Spanish that it is unlawful for a person, regardless of whether the person is licensed under this subchapter, to carry a handgun on the premises. The sign must appear in contrasting colors with block letters at least one inch in height and must include on its face the number "51" printed in solid red at least five inches in height. The sign shall be displayed in a conspicuous manner clearly visible to the public.

SECTION 3.02.  The heading to Section 411.209, Government Code, is amended to read as follows:

Sec. 411.209.  WRONGFUL EXCLUSION OF PERSON CARRYING HANDGUN [~~LICENSE HOLDER~~].

SECTION 3.03.  Section 411.209(a), Government Code, is amended 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 person [~~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 or leased by the governmental entity unless a person is [~~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.

SECTION 3.04.  The heading to Section 552.002, Health and Safety Code, is amended to read as follows:

Sec. 552.002.  CARRYING OF HANDGUN [~~BY LICENSE HOLDER~~] IN STATE HOSPITAL.

SECTION 3.05.  Sections 552.002(a), (b), and (c), Health and Safety Code, are amended to read as follows:

(a)  In this section:

(1)  [~~"License holder" has the meaning assigned by Section 46.035(f), Penal Code.~~

[~~(2)~~]  "State hospital" means the following facilities:

(A)  the Austin State Hospital;

(B)  the Big Spring State Hospital;

(C)  the El Paso Psychiatric Center;

(D)  the Kerrville State Hospital;

(E)  the North Texas State Hospital;

(F)  the Rio Grande State Center;

(G)  the Rusk State Hospital;

(H)  the San Antonio State Hospital;

(I)  the Terrell State Hospital; and

(J)  the Waco Center for Youth.

(2) [~~(3)~~]  "Written notice" means a sign that is posted on property and that:

(A)  includes in both English and Spanish written language identical to the following: "Pursuant to Section 552.002, Health and Safety Code (carrying of handgun [~~by license holder~~] in state hospital), a person [~~licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law),~~] may not enter this property with a handgun";

(B)  appears in contrasting colors with block letters at least one inch in height; and

(C)  is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

(b)  A state hospital may prohibit a person [~~license holder~~] from carrying a handgun [~~under the authority of Subchapter H, Chapter 411, Government Code,~~] on the property of the hospital by providing written notice.

(c)  A person [~~license holder~~] who carries a handgun [~~under the authority of Subchapter H, Chapter 411, Government Code,~~] on the property of a state hospital at which written notice is provided is liable for a civil penalty in the amount of:

(1)  $100 for the first violation; or

(2)  $500 for the second or subsequent violation.

SECTION 3.06.  Section 30.05(f), Penal Code, is amended to read as follows:

(f)  It is a defense to prosecution under this section that:

(1)  the basis on which entry on the property or land or in the building was forbidden is that entry with a firearm [~~handgun~~] was forbidden; and

(2)  the person was carrying[~~:~~

[~~(A)  a license issued under Subchapter H, Chapter 411, Government Code, to carry a handgun; and~~

[~~(B)~~]  a handgun:

(A) [~~(i)~~]  in a concealed manner; or

(B) [~~(ii)~~]  in a [~~shoulder or belt~~] holster.

SECTION 3.07.  The heading to Section 30.06, Penal Code, is amended to read as follows:

Sec. 30.06.  TRESPASS BY PERSON [~~LICENSE HOLDER~~] WITH [~~A~~] CONCEALED HANDGUN.

SECTION 3.08.  Sections 30.06(a), (c), (d), (e), (e-1), (e-2), (e-3), (f), and (g), Penal Code, are amended to read as follows:

(a)  A person [~~license holder~~] commits an offense if the person [~~license holder~~]:

(1)  carries a concealed handgun [~~under the authority of Subchapter H, Chapter 411, Government Code,~~] on property of another without effective consent; and

(2)  received notice that entry on the property by a person [~~license holder~~] with a concealed handgun was forbidden.

(c)  In this section:

(1)  "Entry" has the meaning assigned by Section 30.05(b).

(2)  [~~"License holder" has the meaning assigned by Section 46.035(f).~~

[~~(3)~~]  "Written communication" means:

(A)  a card or other document on which is written language identical to the following: "Pursuant to Section 30.06, Penal Code (trespass by person [~~license holder~~] with [~~a~~] concealed handgun), a person [~~licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law),~~] may not enter this property with a concealed handgun"; or

(B)  a sign posted on the property that:

(i)  includes the language described by Paragraph (A) in both English and Spanish;

(ii)  appears in contrasting colors with block letters at least one inch in height; and

(iii)  is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

(d)  An offense under this section is a Class C misdemeanor punishable by a fine not to exceed $200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the person [~~license holder~~] was personally given the notice by oral communication described by Subsection (b) and subsequently failed to depart.

(e)  It is an exception to the application of this section that the property on which the person [~~license holder~~] carries a handgun is owned or leased by a governmental entity and is not a premises or other place on which the person [~~license holder~~] is prohibited from carrying the handgun under Section 46.03 or 46.035 or other law.

(e-1)  It is a defense to prosecution under this section that:

(1)  the person [~~license holder~~] is:

(A)  an owner of an apartment in a condominium regime governed by Chapter 81, Property Code;

(B)  an owner of a condominium unit governed by Chapter 82, Property Code;

(C)  a tenant or guest of an owner described by Paragraph (A) or (B); or

(D)  a guest of a tenant of an owner described by Paragraph (A) or (B); and

(2)  the person [~~license holder~~]:

(A)  carries or stores a handgun in the condominium apartment or unit owner's apartment or unit;

(B)  carries a handgun directly en route to or from the condominium apartment or unit owner's apartment or unit;

(C)  carries a handgun directly en route to or from the person's [~~license holder's~~] vehicle located in a parking area provided for residents or guests of the condominium property; or

(D)  carries or stores a handgun in the person's [~~license holder's~~] vehicle located in a parking area provided for residents or guests of the condominium property.

(e-2)  It is a defense to prosecution under this section that:

(1)  the person [~~license holder~~] is a tenant of a leased premises governed by Chapter 92, Property Code, or the tenant's guest; and

(2)  the person [~~license holder~~]:

(A)  carries or stores a handgun in the tenant's rental unit;

(B)  carries a handgun directly en route to or from the tenant's rental unit;

(C)  carries a handgun directly en route to or from the person's [~~license holder's~~] vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises; or

(D)  carries or stores a handgun in the person's [~~license holder's~~] vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises.

(e-3)  It is a defense to prosecution under this section that:

(1)  the person [~~license holder~~] is a tenant of a manufactured home lot governed by Chapter 94, Property Code, or the tenant's guest; and

(2)  the person [~~license holder~~]:

(A)  carries or stores a handgun in the tenant's manufactured home;

(B)  carries a handgun directly en route to or from the tenant's manufactured home;

(C)  carries a handgun directly en route to or from the person's [~~license holder's~~] vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises; or

(D)  carries or stores a handgun in the person's [~~license holder's~~] vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises.

(f)  It is a defense to prosecution under this section that the person [~~license holder~~] is volunteer emergency services personnel, as defined by Section 46.01.

(g)  It is a defense to prosecution under this section that the person [~~license holder~~] was personally given notice by oral communication described by Subsection (b) and promptly departed from the property.

SECTION 3.09.  The heading to Section 30.07, Penal Code, is amended to read as follows:

Sec. 30.07.  TRESPASS BY PERSON [~~LICENSE HOLDER~~] WITH [~~AN~~] OPENLY CARRIED HANDGUN.

SECTION 3.10.  Sections 30.07(a), (c), (d), (e), (e-1), (e-2), (e-3), (f), (g), and (h), Penal Code, are amended to read as follows:

(a)  A person [~~license holder~~] commits an offense if the person [~~license holder~~]:

(1)  openly carries a handgun [~~under the authority of Subchapter H, Chapter 411, Government Code,~~] on property of another without effective consent; and

(2)  received notice that entry on the property by a person [~~license holder~~] openly carrying a handgun was forbidden.

(c)  In this section:

(1)  "Entry" has the meaning assigned by Section 30.05(b).

(2)  [~~"License holder" has the meaning assigned by Section 46.035(f).~~

[~~(3)~~]  "Written communication" means:

(A)  a card or other document on which is written language identical to the following: "Pursuant to Section 30.07, Penal Code (trespass by person [~~license holder~~] with [~~an~~] openly carried handgun), a person [~~licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law),~~] may not enter this property with a handgun that is carried openly"; or

(B)  a sign posted on the property that:

(i)  includes the language described by Paragraph (A) in both English and Spanish;

(ii)  appears in contrasting colors with block letters at least one inch in height; and

(iii)  is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

(d)  An offense under this section is a Class C misdemeanor punishable by a fine not to exceed $200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the person [~~license holder~~] was personally given the notice by oral communication described by Subsection (b) and subsequently failed to depart.

(e)  It is an exception to the application of this section that the property on which the person [~~license holder~~] openly carries a [~~the~~] handgun is owned or leased by a governmental entity and is not a premises or other place on which the person [~~license holder~~] is prohibited from carrying the handgun under Section 46.03 or 46.035 or other law.

(e-1)  It is a defense to prosecution under this section that:

(1)  the person [~~license holder~~] is:

(A)  an owner of an apartment in a condominium regime governed by Chapter 81, Property Code;

(B)  an owner of a condominium unit governed by Chapter 82, Property Code;

(C)  a tenant or guest of an owner described by Paragraph (A) or (B); or

(D)  a guest of a tenant of an owner described by Paragraph (A) or (B); and

(2)  the person [~~license holder~~]:

(A)  carries or stores a handgun in the condominium apartment or unit owner's apartment or unit;

(B)  carries a handgun directly en route to or from the condominium apartment or unit owner's apartment or unit;

(C)  carries a handgun directly en route to or from the person's [~~license holder's~~] vehicle located in a parking area provided for residents or guests of the condominium property; or

(D)  carries or stores a handgun in the person's [~~license holder's~~] vehicle located in a parking area provided for residents or guests of the condominium property.

(e-2)  It is a defense to prosecution under this section that:

(1)  the person [~~license holder~~] is a tenant of a leased premises governed by Chapter 92, Property Code, or the tenant's guest; and

(2)  the person [~~license holder~~]:

(A)  carries or stores a handgun in the tenant's rental unit;

(B)  carries a handgun directly en route to or from the tenant's rental unit;

(C)  carries a handgun directly en route to or from the person's [~~license holder's~~] vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises; or

(D)  carries or stores a handgun in the person's [~~license holder's~~] vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises.

(e-3)  It is a defense to prosecution under this section that:

(1)  the person [~~license holder~~] is a tenant of a manufactured home lot governed by Chapter 94, Property Code, or the tenant's guest; and

(2)  the person [~~license holder~~]:

(A)  carries or stores a handgun in the tenant's manufactured home;

(B)  carries a handgun directly en route to or from the tenant's manufactured home;

(C)  carries a handgun directly en route to or from the person's [~~license holder's~~] vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises; or

(D)  carries or stores a handgun in the person's [~~license holder's~~] vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises.

(f)  It is not a defense to prosecution under this section that the handgun was carried in a [~~shoulder or belt~~] holster.

(g)  It is a defense to prosecution under this section that the person [~~license holder~~] is volunteer emergency services personnel, as defined by Section 46.01.

(h)  It is a defense to prosecution under this section that the person [~~license holder~~] was personally given notice by oral communication described by Subsection (b) and promptly departed from the property.

SECTION 3.11.  The following provisions are repealed:

(1)  Sections 11.041 and 61.11, Alcoholic Beverage Code;

(2)  Sections 11.61(e) and 61.71(f), Alcoholic Beverage Code; and

(3)  Section 411.204(d), Government Code.

ARTICLE 4. LOCAL REGULATION OF HANDGUNS OR OTHER FIREARMS

SECTION 4.01.  Section 191.010(a), Local Government Code, is amended to read as follows:

(a)  In this section, "photo identification" means one of the following forms of photo identification:

(1)  a driver's license, election identification certificate, or personal identification card issued to the person by any state or territory of the United States that has not expired or that expired no earlier than 60 days before the date of presentation;

(2)  a United States military identification card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of presentation;

(3)  a United States citizenship certificate issued to the person that contains the person's photograph;

(4)  a United States Permanent Resident Card that has not expired or that expired no earlier than 60 days before the date of presentation;

(5)  an identification card issued by a municipality intended to serve as a general identification card for the holder that has not expired or that expired no earlier than 60 days before the date of presentation;

(6)  a federally recognized tribal enrollment card or other form of tribal identification that has not expired or that expired no earlier than 60 days before the date of presentation;

(7)  a United States passport or a passport issued by a foreign government recognized by the United States issued to the person that has not expired or that expired no earlier than 60 days before the date of presentation; or

(8)  a license to carry a [~~concealed~~] handgun issued to the person by the Department of Public Safety that has not expired or that expired no earlier than 60 days before the date of presentation.

SECTION 4.02.  Section 229.001(b), Local Government Code, is amended to read as follows:

(b)  Subsection (a) does not affect the authority a municipality has under another law to:

(1)  require residents or public employees to be armed for personal or national defense, law enforcement, or another lawful purpose;

(2)  regulate the discharge of firearms or air guns within the limits of the municipality, other than at a sport shooting range;

(3)  except as provided by Subsection (b-1), adopt or enforce a generally applicable zoning ordinance, land use regulation, fire code, or business ordinance;

(4)  regulate the use of firearms, air guns, or knives in the case of an insurrection, riot, or natural disaster if the municipality finds the regulations necessary to protect public health and safety;

(5)  regulate the storage or transportation of explosives to protect public health and safety, except that 25 pounds or less of black powder for each private residence and 50 pounds or less of black powder for each retail dealer are not subject to regulation;

(6)  regulate the carrying of an air gun or [~~a~~] firearm, [~~or air gun by a person~~] other than a [~~person licensed to carry a~~] handgun carried by a person not otherwise prohibited by state or federal law from possessing a firearm [~~under Subchapter H, Chapter 411, Government Code~~], at a:

(A)  [~~public park;~~

[~~(B)~~]  public meeting of a municipality, county, or other governmental body;

[~~(C)  political rally, parade, or official political meeting;~~] or

(B) [~~(D)~~]  nonfirearms-related school, college, or professional athletic event;

(7)  [~~regulate the carrying of a firearm by a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code,~~] in accordance with Section 411.209, Government Code, regulate the carrying of a firearm by any person;

(8)  regulate the hours of operation of a sport shooting range, except that the hours of operation may not be more limited than the least limited hours of operation of any other business in the municipality other than a business permitted or licensed to sell or serve alcoholic beverages for on-premises consumption;

(9)  regulate the carrying of an air gun by a minor on:

(A)  public property; or

(B)  private property without consent of the property owner; or

(10)  except as provided by Subsection (d-1), regulate or prohibit an employee's carrying or possession of a firearm, firearm accessory, or ammunition in the course of the employee's official duties.

SECTION 4.03.  Section 236.002(c), Local Government Code, is amended to read as follows:

(c)  Subsection (a) does not affect the authority of a county to:

(1)  require a resident or public employee to be armed for personal or national defense, law enforcement, or other purpose under other law;

(2)  regulate the discharge of firearms or air guns in accordance with Section 235.022;

(3)  [~~regulate the carrying of a firearm by a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code,~~] in accordance with Section 411.209, Government Code, regulate the carrying of a firearm by any person;

(4)  except as provided by Subsection (d), adopt or enforce a generally applicable land use regulation, fire code, or business regulation; or

(5)  except as provided by Subsection (e), regulate or prohibit an employee's carrying or possession of a firearm, firearm accessory, or ammunition in the course of the employee's official duties.

ARTICLE 5. INTERACTION WITH LAW ENFORCEMENT WHILE CARRYING HANDGUN

SECTION 5.01.  The heading to Section 411.206, Government Code, is amended to read as follows:

Sec. 411.206.  SEIZURE OF HANDGUN AND HANDGUN LICENSE.

SECTION 5.02.  Sections 411.206(a) and (c), Government Code, are amended to read as follows:

(a)  If a peace officer arrests and takes into custody a person [~~license holder~~] who is carrying a handgun [~~under the authority of this subchapter~~], the officer shall seize the person's [~~license holder's~~] handgun. The peace officer also shall seize the person's handgun [~~and~~] license as evidence if the person holds a handgun license under this subchapter and is carrying the license at the time of the arrest.

(c)  Any judgment of conviction entered by any court for an offense under Section 46.035, Penal Code, must contain the handgun license number of the convicted person, if the person is a handgun license holder. A certified copy of the judgment is conclusive and sufficient evidence to justify revocation of a license under Section 411.186(a)(4).

SECTION 5.03.  Section 411.207, Government Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (a-1) to read as follows:

(a)  A peace officer who is acting in the lawful discharge of the officer's official duties may disarm a person, including a license holder, who is carrying a handgun at any time the officer reasonably believes it is necessary for the protection of the person [~~license holder~~], officer, or another individual. The peace officer shall return the handgun to the person [~~license holder~~] before discharging the person [~~license holder~~] from the scene if the officer determines that the person:

(1)  [~~license holder~~] is not a threat to the officer, person [~~license holder~~], or another individual;

(2)  [~~and if the license holder~~] has not violated any provision of this subchapter or committed any other violation that results in the arrest of the person; and

(3)  is not prohibited from possessing a firearm [~~license holder~~].

(a-1)  A peace officer may not disarm or detain a person under Subsection (a) solely because the person is carrying a concealed or holstered handgun.

(b)  A peace officer who is acting in the lawful discharge of the officer's official duties may [~~temporarily~~] disarm a person only temporarily, regardless of whether the person is a license holder, when the person [~~a license holder~~] enters a nonpublic, secure portion of a law enforcement facility. The[~~, if the~~] law enforcement agency shall provide [~~provides~~] a gun locker where the peace officer can secure the person's [~~license holder's~~] handgun. The peace officer shall secure the handgun in the locker and shall return the handgun to the person [~~license holder~~] immediately after the person [~~license holder~~] leaves the nonpublic, secure portion of the law enforcement facility.

(c)  A law enforcement facility shall prominently display at each entrance to a nonpublic, secure portion of the facility a sign that gives notice in both English and Spanish that, under this section, a peace officer may temporarily disarm a person, regardless of whether the person is a license holder, when the person [~~license holder~~] enters the nonpublic, secure portion of the facility. The sign must appear in contrasting colors with block letters at least one inch in height. The sign shall be displayed in a clearly visible and conspicuous manner.

SECTION 5.04.  Section 411.205, Government Code, is repealed.

ARTICLE 6. EMPLOYER RIGHTS; CARRYING AND STORAGE OF HANDGUN, FIREARM, AND AMMUNITION BY EMPLOYEE

SECTION 6.01.  Section 411.203, Government Code, is amended to read as follows:

Sec. 411.203.  RIGHTS OF EMPLOYERS. (a) This subchapter does not prevent or otherwise limit the right of a public or private employer to prohibit persons who are licensed under this subchapter or not otherwise prohibited by state or federal law from possessing a firearm from carrying a handgun or other firearm on the premises of the business.

(b)  In this section, "premises" has the meaning assigned by Section 46.035(f) [~~46.035(f)(3)~~], Penal Code.

SECTION 6.02.  Section 52.061, Labor Code, is amended to read as follows:

Sec. 52.061.  RESTRICTION ON PROHIBITING EMPLOYEE ACCESS TO OR STORAGE OF FIREARM OR AMMUNITION. A public or private employer may not prohibit an employee who is not otherwise prohibited by state or federal law from possessing [~~holds a license to carry a handgun under Subchapter H, Chapter 411, Government Code, who otherwise lawfully possesses~~] a firearm[~~,~~] or [~~who lawfully possesses~~] ammunition from transporting or storing a firearm or ammunition [~~the employee is authorized by law to possess~~] in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area the employer provides for employees.

SECTION 6.03.  Section 52.062(a), Labor Code, is amended to read as follows:

(a)  Section 52.061 does not:

(1)  authorize a person who is not otherwise prohibited by state or federal law from possessing [~~holds a license to carry a handgun under Subchapter H, Chapter 411, Government Code, who otherwise lawfully possesses~~] a firearm[~~,~~] or [~~who lawfully possesses~~] ammunition to possess a firearm or ammunition on any property where the possession of a firearm or ammunition is prohibited by state or federal law; or

(2)  apply to:

(A)  a vehicle owned or leased by a public or private employer and used by an employee in the course and scope of the employee's employment, unless the employee is required to transport or store a firearm in the official discharge of the employee's duties;

(B)  a school district;

(C)  an open-enrollment charter school, as defined by Section 5.001, Education Code;

(D)  a private school, as defined by Section 22.081, Education Code;

(E)  property owned or controlled by a person, other than the employer, that is subject to a valid, unexpired oil, gas, or other mineral lease that contains a provision prohibiting the possession of firearms on the property; or

(F)  property owned or leased by a chemical manufacturer or oil and gas refiner with an air authorization under Chapter 382, Health and Safety Code, and on which the primary business conducted is the manufacture, use, storage, or transportation of hazardous, combustible, or explosive materials, except in regard to an employee who is not otherwise prohibited by state or federal law from possessing a firearm or ammunition [~~holds a license to carry a handgun under Subchapter H, Chapter 411, Government Code,~~] and [~~who~~] stores the [~~a~~] firearm or ammunition [~~the employee is authorized by law to possess~~] in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area the employer provides for employees that is outside of a secured and restricted area:

(i)  that contains the physical plant;

(ii)  that is not open to the public; and

(iii)  the ingress into which is constantly monitored by security personnel.

ARTICLE 7. CARRYING AND STORAGE OF HANDGUN, FIREARM, AND AMMUNITION ON CAMPUS OF PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION

SECTION 7.01.  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 7.02.  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 46.035, Penal Code.

Sec. 51.992.  CARRYING OF HANDGUNS ON CERTAIN CAMPUSES. (a) [~~(b)~~] A person who is not otherwise prohibited by law from possessing a firearm [~~license holder~~] may carry a [~~concealed~~] handgun in a concealed manner or in a holster [~~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 possessing a firearm [~~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 possessing a firearm [~~license holders~~] from carrying a handgun [~~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 or 30.07, Penal Code, as applicable, 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 possessing a firearm, [~~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 possessing [~~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 7.03.  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 7.04.  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 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 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 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 7.05.  Section 411.208(f), Government Code, is repealed.

ARTICLE 8. STORAGE OF HANDGUN, FIREARM, AND AMMUNITION IN SCHOOL PARKING AREA

SECTION 8.01.  The heading to Section 37.0815, Education Code, is amended to read as follows:

Sec. 37.0815.  TRANSPORTATION OR STORAGE OF FIREARM AND AMMUNITION [~~BY LICENSE HOLDER~~] IN SCHOOL PARKING AREA.

SECTION 8.02.  Section 37.0815(a), Education Code, is amended to read as follows:

(a)  A school district or open-enrollment charter school may not prohibit a person, including a school employee, who is not otherwise prohibited by law from possessing a firearm [~~holds a license to carry a handgun under Subchapter H, Chapter 411, Government Code,~~] from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by the district or charter school and may not regulate the manner in which the handgun, firearm, or ammunition is stored in the vehicle, provided that the handgun, firearm, or ammunition is not in plain view.

ARTICLE 9. CONFORMING CHANGES

SECTION 9.01.  Chapter 507, Business & Commerce Code, is amended to read as follows:

CHAPTER 507. LICENSE TO CARRY [~~CONCEALED~~] HANDGUN [~~LICENSES~~] AS VALID FORM [~~FORMS~~] OF PERSONAL IDENTIFICATION

Sec. 507.001.  [~~CONCEALED HANDGUN~~] LICENSE TO CARRY HANDGUN AS VALID PROOF OF IDENTIFICATION. (a) A person may not deny the holder of a [~~concealed~~] handgun license issued under Subchapter H, Chapter 411, Government Code, access to goods, services, or facilities, except as provided by Section 521.460, Transportation Code, or in regard to the operation of a motor vehicle, because the holder has or presents a [~~concealed~~] handgun license rather than a driver's license or other acceptable form of personal identification.

(b)  This section does not affect[~~:~~

[~~(1)  the requirement under Section 411.205, Government Code, that a person subject to that section present a driver's license or identification certificate in addition to a concealed handgun license; or~~

[~~(2)~~]  the types of identification required under federal law to access airport premises or pass through airport security.

SECTION 9.02.  Section 95A.0001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 95A.0001.  EVIDENCE OF FAILURE TO FORBID HANDGUNS. The fact that a card, sign, or other document described by Section 30.06(c)(2) [~~30.06(c)(3)~~] or 30.07(c)(2) [~~30.07(c)(3)~~], Penal Code, is not posted on the property of a business or any other evidence that a person failed to exercise the person's option to forbid the carrying of a handgun [~~by a license holder~~] on the property:

(1)  is not admissible as evidence in a trial on the merits in an action:

(A)  against a person, including a business or other entity, who owns, controls, or manages the property; and

(B)  in which the cause of action arises from an injury sustained on the property; and

(2)  does not support a cause of action described by Subdivision (1) against a person described by that subdivision.

SECTION 9.03.  Section 125.0015(a), Civil Practice and Remedies Code, is amended to read as follows:

(a)  A person who maintains a place to which persons habitually go for the following purposes and who knowingly tolerates the activity and furthermore fails to make reasonable attempts to abate the activity maintains a common nuisance:

(1)  discharge of a firearm in a public place as prohibited by the Penal Code;

(2)  reckless discharge of a firearm as prohibited by the Penal Code;

(3)  engaging in organized criminal activity as a member of a combination as prohibited by the Penal Code;

(4)  delivery, possession, manufacture, or use of a substance or other item in violation of Chapter 481, Health and Safety Code;

(5)  gambling, gambling promotion, or communicating gambling information as prohibited by the Penal Code;

(6)  prostitution, promotion of prostitution, or aggravated promotion of prostitution as prohibited by the Penal Code;

(7)  compelling prostitution as prohibited by the Penal Code;

(8)  commercial manufacture, commercial distribution, or commercial exhibition of obscene material as prohibited by the Penal Code;

(9)  aggravated assault as described by Section 22.02, Penal Code;

(10)  sexual assault as described by Section 22.011, Penal Code;

(11)  aggravated sexual assault as described by Section 22.021, Penal Code;

(12)  robbery as described by Section 29.02, Penal Code;

(13)  aggravated robbery as described by Section 29.03, Penal Code;

(14)  unlawfully carrying a weapon as described by Section 46.02, Penal Code, or unlawfully carrying a firearm as described by Section 46.03 or 46.035, Penal Code;

(15)  murder as described by Section 19.02, Penal Code;

(16)  capital murder as described by Section 19.03, Penal Code;

(17)  continuous sexual abuse of young child or children as described by Section 21.02, Penal Code;

(18)  massage therapy or other massage services in violation of Chapter 455, Occupations Code;

(19)  employing a minor at a sexually oriented business as defined by Section 243.002, Local Government Code;

(20)  trafficking of persons as described by Section 20A.02, Penal Code;

(21)  sexual conduct or performance by a child as described by Section 43.25, Penal Code;

(22)  employment harmful to a child as described by Section 43.251, Penal Code;

(23)  criminal trespass as described by Section 30.05, Penal Code;

(24)  disorderly conduct as described by Section 42.01, Penal Code;

(25)  arson as described by Section 28.02, Penal Code;

(26)  criminal mischief as described by Section 28.03, Penal Code, that causes a pecuniary loss of $500 or more; or

(27)  a graffiti offense in violation of Section 28.08, Penal Code.

SECTION 9.04.  Section 37.005(c), Education Code, is amended to read as follows:

(c)  A student who is enrolled in a grade level below grade three may not be placed in out-of-school suspension unless while on school property or while attending a school-sponsored or school-related activity on or off of school property, the student engages in:

(1)  conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code, or to firearms under Section 46.03 or 46.035, Penal Code;

(2)  conduct that contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code; or

(3)  selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of:

(A)  marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

(B)  a dangerous drug, as defined by Chapter 483, Health and Safety Code; or

(C)  an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

SECTION 9.05.  Section 37.007(a), Education Code, is amended to read as follows:

(a)  Except as provided by Subsection (k), a student shall be expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:

(1)  engages in conduct that contains the elements of [~~the offense of unlawfully carrying weapons under Section 46.02, Penal Code, or elements of~~] an offense relating to [~~prohibited~~] weapons under Section 46.02 or 46.05, Penal Code, or to firearms under Section 46.03 or 46.035, Penal Code;

(2)  engages in conduct that contains the elements of the offense of:

(A)  aggravated assault under Section 22.02, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(B)  arson under Section 28.02, Penal Code;

(C)  murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or criminal attempt, under Section 15.01, Penal Code, to commit murder or capital murder;

(D)  indecency with a child under Section 21.11, Penal Code;

(E)  aggravated kidnapping under Section 20.04, Penal Code;

(F)  aggravated robbery under Section 29.03, Penal Code;

(G)  manslaughter under Section 19.04, Penal Code;

(H)  criminally negligent homicide under Section 19.05, Penal Code; or

(I)  continuous sexual abuse of young child or children under Section 21.02, Penal Code; or

(3)  engages in conduct specified by Section 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

SECTION 9.06.  Section 51.220(g), Education Code, is amended to read as follows:

(g)  A public junior college employee's status as a school marshal becomes inactive on:

(1)  expiration of the employee's school marshal license under Section 1701.260, Occupations Code;

(2)  suspension or revocation of the employee's license to carry a [~~concealed~~] handgun issued under Subchapter H, Chapter 411, Government Code;

(3)  termination of the employee's employment with the public junior college; or

(4)  notice from the governing board of the public junior college that the employee's services as school marshal are no longer required.

SECTION 9.07.  Section 231.302(c-1), Family Code, is amended to read as follows:

(c-1)  For purposes of issuing a license to carry a [~~concealed~~] handgun under Subchapter H, Chapter 411, Government Code, the Department of Public Safety is not required to request, and an applicant is not required to provide, the applicant's social security number.

SECTION 9.08.  The heading to Subchapter H, Chapter 411, Government Code, is amended to read as follows:

SUBCHAPTER H. LICENSE TO CARRY [~~A~~] HANDGUN AND OTHER PROVISIONS RELATING TO CARRYING OF FIREARMS

SECTION 9.09.  Section 411.179(c), Government Code, is amended to read as follows:

(c)  In adopting the form of the license under Subsection (a), the department shall establish a procedure for the license of a qualified handgun instructor or of the attorney general or a judge, justice, United States attorney, assistant United States attorney, assistant attorney general, prosecuting attorney, or assistant prosecuting attorney, as described by Section 46.15(a)(4), (6), [~~or~~] (7), or (11), Penal Code, to indicate on the license the license holder's status as a qualified handgun instructor or as the attorney general or a judge, justice, United States attorney, assistant United States attorney, assistant attorney general, prosecuting [~~district~~] attorney, or assistant prosecuting [~~criminal district~~] attorney[~~, or county attorney~~]. In establishing the procedure, the department shall require sufficient documentary evidence to establish the license holder's status under this subsection.

SECTION 9.10.  Section 411.190(c), Government Code, is amended to read as follows:

(c)  In the manner applicable to a person who applies for a license to carry a handgun, the department shall conduct a background check of a person who applies for certification as a qualified handgun instructor or approved online course provider. If the background check indicates that the applicant for certification would not qualify to receive a handgun license, the department may not certify the applicant as a qualified handgun instructor or approved online course provider. If the background check indicates that the applicant for certification would qualify to receive a handgun license, the department shall provide handgun instructor or online course provider training to the applicant. The applicant shall pay a fee of $100 to the department for the training. The applicant must take and successfully complete the training offered by the department and pay the training fee before the department may certify the applicant as a qualified handgun instructor or approved online course provider. The department shall issue a license to carry a handgun under [~~the authority of~~] this subchapter to any person who is certified as a qualified handgun instructor or approved online course provider and who pays to the department a fee of $40 in addition to the training fee. The department by rule may prorate or waive the training fee for an employee of another governmental entity.

SECTION 9.11.  Section 411.200, Government Code, is amended to read as follows:

Sec. 411.200.  APPLICATION TO LICENSED SECURITY OFFICERS. This subchapter does not exempt a license holder who is also employed as a security officer and licensed under Chapter 1702, Occupations Code, from the duty to comply with Chapter 1702, Occupations Code, or from the duty to refrain from committing a firearms offense under Chapter 46 [~~Section 46.02~~], Penal Code.

SECTION 9.12.  Sections 411.201(c), (e), and (h), Government Code, are amended to read as follows:

(c)  An active judicial officer is eligible for a license to carry a handgun under [~~the authority of~~] this subchapter. A retired judicial officer is eligible for a license to carry a handgun under [~~the authority of~~] this subchapter if the officer:

(1)  has not been convicted of a felony;

(2)  has not, in the five years preceding the date of application, been convicted of a Class A or Class B misdemeanor or equivalent offense;

(3)  is not charged with the commission of a Class A or Class B misdemeanor or equivalent offense or of a felony under an information or indictment;

(4)  is not a chemically dependent person; and

(5)  is not a person of unsound mind.

(e)  On receipt of all the application materials required by this section, the department shall:

(1)  if the applicant is an active judicial officer, issue a license to carry a handgun under [~~the authority of~~] this subchapter; or

(2)  if the applicant is a retired judicial officer, conduct an appropriate background investigation to determine the applicant's eligibility for the license and, if the applicant is eligible, issue a license to carry a handgun under [~~the authority of~~] this subchapter.

(h)  The department shall issue a license to carry a handgun under [~~the authority of~~] this subchapter to a United States attorney or an assistant United States attorney, or to an attorney elected or employed to represent the state in the prosecution of felony cases, who meets the requirements of this section for an active judicial officer. The department shall waive any fee required for the issuance of an original, duplicate, or renewed license under this subchapter for an applicant who is a United States attorney or an assistant United States attorney or who is an attorney elected or employed to represent the state in the prosecution of felony cases.

SECTION 9.13.  Section 12.092(b), Health and Safety Code, is amended to read as follows:

(b)  The medical advisory board shall assist the Department of Public Safety of the State of Texas in determining whether:

(1)  an applicant for a driver's license or a license holder is capable of safely operating a motor vehicle; or

(2)  an applicant for or holder of a license to carry a handgun under [~~the authority of~~] Subchapter H, Chapter 411, Government Code, or an applicant for or holder of a commission as a security officer under Chapter 1702, Occupations Code, is capable of exercising sound judgment with respect to the proper use and storage of a handgun.

SECTION 9.14.  Section 42.042(e-2), Human Resources Code, is amended to read as follows:

(e-2)  The department may not prohibit the foster parent of a child who resides in the foster family's home from transporting the child in a vehicle where a handgun is present if the handgun is in the possession and control of the foster parent and the foster parent is not otherwise prohibited by state or federal law from possessing a firearm [~~licensed to carry the handgun under Subchapter H, Chapter 411, Government Code~~].

SECTION 9.15.  Section 1702.002(21), Occupations Code, is amended to read as follows:

(21)  "Security officer commission" means an authorization issued by the department that entitles a security officer to carry a firearm as described by this chapter.

SECTION 9.16.  Section 1702.169, Occupations Code, is amended to read as follows:

Sec. 1702.169.  FIREARM RESTRICTIONS. A commissioned security officer other than a person acting as a personal protection officer may not carry a firearm while [~~unless:~~

[~~(1)  the security officer is:~~

[~~(A)~~]  engaged in the performance of duties as a security officer unless:

(1)  [~~; or~~

[~~(B)  traveling to or from the place of assignment;~~

[~~(2)~~]  the security officer wears a distinctive uniform indicating that the individual is a security officer; and

(2) [~~(3)~~]  the firearm is in plain view.

SECTION 9.17.  Section 1702.206(a), Occupations Code, is amended to read as follows:

(a)  An individual acting as and performing the duties of a personal protection officer may not carry a firearm unless the officer:

(1)  is [~~either:~~

[~~(A)~~]  engaged in the exclusive performance of the officer's duties as a personal protection officer for the employer under whom the officer's personal protection officer license is issued; [~~or~~

[~~(B)  traveling to or from the officer's place of assignment;~~] and

(2)  carries the officer's security officer commission and personal protection officer license on the officer's person while performing the officer's duties [~~or traveling~~] as described by Subdivision (1) and presents the commission and license on request.

SECTION 9.18.  Sections 62.082(d) and (e), Parks and Wildlife Code, are amended to read as follows:

(d)  Section 62.081 does not apply to:

(1)  an employee of the Lower Colorado River Authority;

(2)  a person authorized to hunt under Subsection (c);

(3)  a peace officer as defined by Article 2.12, Code of Criminal Procedure; or

(4)  a person who:

(A)  is carrying [~~possesses~~] a handgun [~~and a license issued under Subchapter H, Chapter 411, Government Code, to carry a handgun~~]; or

(B)  under circumstances in which the person would be justified in the use of deadly force under Chapter 9, Penal Code, shoots a handgun [~~the person is licensed to carry under Subchapter H, Chapter 411, Government Code~~].

(e)  A state agency, including the department, the Department of Public Safety, and the Lower Colorado River Authority, may not adopt a rule that prohibits a person who is not otherwise prohibited by state or federal law from possessing a firearm [~~possesses a license issued under Subchapter H, Chapter 411, Government Code,~~] from entering or crossing the land of the Lower Colorado River Authority while:

(1)  carrying [~~possessing~~] a handgun; or

(2)  under circumstances in which the person would be justified in the use of deadly force under Chapter 9, Penal Code, shooting a handgun.

SECTION 9.19.  Section 284.001(e), Parks and Wildlife Code, is amended to read as follows:

(e)  This section does not limit a person's [~~the~~] ability [~~of a license holder~~] to carry a handgun [~~under the authority of Subchapter H, Chapter 411, Government Code~~].

SECTION 9.20.  Section 287.001(e), Parks and Wildlife Code, is amended to read as follows:

(e)  This section does not limit a person's [~~the~~] ability [~~of a license holder~~] to carry a [~~concealed~~] handgun [~~under the authority of Subchapter H, Chapter 411, Government Code~~].

SECTION 9.21.  Section 9.31(b), Penal Code, is amended to read as follows:

(b)  The use of force against another is not justified:

(1)  in response to verbal provocation alone;

(2)  to resist an arrest or search that the actor knows is being made by a peace officer, or by a person acting in a peace officer's presence and at his direction, even though the arrest or search is unlawful, unless the resistance is justified under Subsection (c);

(3)  if the actor consented to the exact force used or attempted by the other;

(4)  if the actor provoked the other's use or attempted use of unlawful force, unless:

(A)  the actor abandons the encounter, or clearly communicates to the other his intent to do so reasonably believing he cannot safely abandon the encounter; and

(B)  the other nevertheless continues or attempts to use unlawful force against the actor; or

(5)  if the actor sought an explanation from or discussion with the other person concerning the actor's differences with the other person while the actor was:

(A)  carrying a weapon in violation of Section 46.02 or a firearm in violation of Section 46.03 or 46.035; or

(B)  possessing or transporting a weapon in violation of Section 46.05.

ARTICLE 10. TRANSITIONS; EFFECTIVE DATE

SECTION 10.01.  The change in law made by this Act relating to the carrying of a handgun applies to the carrying of a handgun on or after the effective date of this Act by any person not otherwise prohibited by state or federal law from possessing a firearm.

SECTION 10.02.  The changes in law made by this Act apply 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 when 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 10.03.  This Act takes effect September 1, 2021.