A BILL TO BE ENTITLED
AN ACT
relating to granting authority to carry a firearm to certain unlicensed persons and to related regulatory provisions and criminal offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. 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 2. Sections 411.1741(a) and (b), Government Code, are amended to read as follows:
(a) When a person applies for an original or renewal license to carry a [concealed] handgun under this subchapter, the person may make a voluntary contribution in any amount to the fund for veterans' assistance established by Section 434.017.
(b) The department shall:
(1) include space on the first page of each application for an original or renewal license to carry a [concealed] handgun that allows a person applying for an original or renewal license to carry a [concealed] handgun to indicate the amount that the person is voluntarily contributing to the fund; and
(2) provide an opportunity for the person to contribute to the fund during the application process for an original or renewal license to carry a [concealed] handgun on the
SECTION 3. 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, including a person licensed under this subchapter or a person otherwise legally authorized to carry a handgun, 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 4. Section 411.205, Government Code, is amended to read as follows:

Sec. 411.205. REQUIREMENT TO DISPLAY IDENTIFICATION AND HANDGUN LICENSE. If a person [license holder] is carrying a handgun [on or about the license holder's person] when a magistrate or a peace officer demands that the person [license holder] display identification, the person [license holder] shall display [both] the person's [license holder's] driver's license or identification certificate issued by the department or other proof of identity. If the person is a license holder under this subchapter and is carrying the person's handgun license, the person also shall display [and] the person's [license holder's] handgun license.

SECTION 5. Sections 411.207(b) and (c), Government Code, are amended to read as follows:

(b) A peace officer who is acting in the lawful discharge of
the officer's official duties may temporarily disarm a person who is a license holder or otherwise legally authorized to carry a handgun when the person enters a nonpublic, secure portion of a law enforcement facility, if the law enforcement agency provides a gun locker where the peace officer can secure the person's handgun. The peace officer shall secure the handgun in the locker and shall return the handgun to the person immediately after the person 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 who is a license holder or otherwise legally authorized to carry a handgun when the person 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 6. 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 licensed to carry the handgun under Subchapter H, Chapter 411, Government Code, or is otherwise legally authorized to carry a
SECTION 7. 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) regulate the use of property, the location of a business, or uses at a business under the municipality's fire code, zoning ordinance, or land-use regulations as long as the code, ordinance, or regulations are not used to circumvent the intent of Subsection (a) or Subdivision (5) of this subsection;

(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 a firearm or air gun by a person other than a person licensed to carry a handgun under

handgun.
Subchapter H, Chapter 411, Government Code, or a person otherwise legally authorized to carry the handgun, 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

(D) nonfirearms-related school, college, or professional athletic event;

(7) 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; or

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

(A) public property; or

(B) private property without consent of the property owner.

SECTION 8. 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 [possessing] a handgun the person is legally authorized to carry [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 legally authorized [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 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 that the person is legally authorized to carry; 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. 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 to carry a handgun if the person is legally authorized [of a license holder] to carry a handgun [under the authority of Subchapter H, Chapter 411, Government Code].

SECTION 10. Section 30.05, Penal Code, is amended by amending Subsections (d) and (f) and adding Subsections (d-1) and (d-2) to read as follows:
Subject to Subsections (d-1) and (d-2), an offense under this section is:

(1) a Class B misdemeanor, except as provided by Subdivisions (2) and (3);

(2) a Class C misdemeanor, except as provided by Subdivision (3), if the offense is committed:
   (A) on agricultural land and within 100 feet of the boundary of the land; or
   (B) on residential land and within 100 feet of a protected freshwater area; and

(3) a Class A misdemeanor if:
   (A) the offense is committed:
      (i) in a habitation or a shelter center;
      (ii) on a Superfund site; or
      (iii) on or in a critical infrastructure facility; or
   (B) the person carries a deadly weapon during the commission of the offense.

(d-1) An offense under this section is a Class C misdemeanor punishable by a fine not to exceed $200 if:

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

(2) the person was carrying in a concealed manner or in a holster a handgun that the person was legally authorized to carry at the time of the offense.

(d-2) An offense under this section is a Class A misdemeanor
if:

(1) the sole basis on which entry on the property or land or in the building was forbidden is that entry with a firearm was forbidden;

(2) the person was carrying in a concealed manner or in a holster a handgun that the person was legally authorized to carry at the time of the offense; and

(3) it is shown on the trial of the offense that, after entering the property, land, or building, the actor was personally given notice by oral communication that entry with a firearm was forbidden and subsequently failed to depart.

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

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

(2) at the time of the offense the person was carrying:

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

(B) a handgun:

(i) in a concealed manner; or

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

SECTION 11. Section 30.07(f), Penal Code, is amended to read as follows:

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

SECTION 12. Section 46.02(a-1), Penal Code, is amended to read as follows:
(a-1) A person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun 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 legally authorized [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:

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

(B) prohibited by law from possessing a firearm; or

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

SECTION 13. Sections 46.03(e-1) and (e-2), Penal Code, are amended to read as follows:

(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 legally authorized [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.
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 legally authorized 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 completion of the required screening processes.

SECTION 14. The heading to Section 46.035, Penal Code, is amended to read as follows:

Sec. 46.035. UNLAWFUL CARRYING OF HANDGUN BY LICENSE HOLDER OR OTHER PERSON LEGALLY AUTHORIZED TO CARRY HANDGUN.

SECTION 15. Sections 46.035(a), (b), (c), (d), (i), and (l), Penal Code, are amended to read as follows:

(a) A person who is a license holder or otherwise legally authorized to carry a handgun commits an offense if the person 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.

(b) A person who is a license holder or otherwise legally
authorized to carry a handgun 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; or
(5) in an amusement park[; or
(6) on the premises of a church, synagogue, or other
established place of religious worship].
(c) A person who is a license holder or otherwise legally
authorized to carry a handgun 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, in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by that chapter.

(d) A person who is a license holder or otherwise legally authorized to carry a handgun commits an offense if the person, while intoxicated, 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.

(i) Subsections (b)(4), (b)(5), (b)(6), and (c) do not apply to a license holder who was not given effective notice under Section 30.06 or 30.07.

(1) Subsection (b)(2) does not apply to a license holder on the premises where a collegiate sporting event is taking place if the license holder was not given effective notice under Section 30.06.

SECTION 16. Section 46.035(h-1), Penal Code, as added by Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(h-1) It is a defense to prosecution under Subsections (b)(1), (2), (4), and [4] [4] (6), and (c) that at the time of the commission of the offense, the actor was:

(1) a judge or justice of a federal court;
an active judicial officer, as defined by Section 411.201, Government Code; or

(3) a district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney.

SECTION 17. Sections 46.15(a) and (b), Penal Code, are amended to read as follows:

(a) Sections 46.02, [and] 46.03, and 46.035 do not apply to:

(1) peace officers or special investigators under Article 2.122, Code of Criminal Procedure, and 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 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 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, qualified retired law enforcement officer, federal criminal investigator, or former reserve law enforcement officer 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:

(A) an honorably retired peace officer;

(B) a qualified retired law enforcement officer;

(C) a federal criminal investigator; or

(D) a former reserve law enforcement officer who has served in that capacity not less than a total of 15 years with one or more state or local law enforcement agencies;

(6) a 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 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; or

(9) a juvenile probation officer who is authorized to carry a firearm under Section 142.006, Human Resources Code.

(b) Section 46.02 does not apply to a person who:

(1) is in the actual discharge of official duties as a member of the armed forces or state military forces as defined by Section 437.001, Government Code, or as a guard employed by a penal institution;

(2) is traveling;

(3) is engaging in lawful hunting, fishing, or other sporting activity on the immediate premises where the activity is conducted, or is en route between the premises and the actor's residence, motor vehicle, or watercraft, if the weapon is a type commonly used in the activity;

(4) holds a security officer commission issued by the Texas Private Security Board, if the person is engaged in the performance of the person's duties as an officer commissioned under Chapter 1702, Occupations Code, or is traveling to or from the person's place of assignment and is wearing the officer's uniform and carrying the officer's weapon in plain view;

(5) acts as a personal protection officer and carries the person's security officer commission and personal protection officer authorization, if the person:

(A) is engaged in the performance of the person's
duties as a personal protection officer under Chapter 1702, Occupations Code, or is traveling to or from the person’s place of assignment; and

(B) is either:

(i) wearing the uniform of a security officer, including any uniform or apparel described by Section 1702.323(d), Occupations Code, and carrying the officer's weapon in plain view; or

(ii) not wearing the uniform of a security officer and carrying the officer's weapon in a concealed manner;

(6) is carrying:

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

(B) a handgun:

(A) in a concealed manner; or

(B) in a [shoulder or belt] holster;

(7) is at least 21 years of age and:

(A) has not been convicted of a felony;

(B) is fully qualified under applicable federal law to purchase and possess a handgun;

(C) meets the requirements under Sections 411.172(a)(1)-(13), Government Code;

(D) is not a member of a criminal street gang, as defined by Section 71.01; and

(E) is carrying a handgun:

(i) in a concealed manner; or
(ii) in a holster;

(B) holds an alcoholic beverage permit or license or is an employee of a holder of an alcoholic beverage permit or license if the person is supervising the operation of the permitted or licensed premises; or

(9) is a student in a law enforcement class engaging in an activity required as part of the class, if the weapon is a type commonly used in the activity and the person is:

(A) on the immediate premises where the activity is conducted; or

(B) en route between those premises and the person's residence and is carrying the weapon unloaded.

SECTION 18. The following provisions are repealed:

(1) Sections 11.041, 11.61(e), 61.11, and 61.71(f), Alcoholic Beverage Code; and

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

SECTION 19. The changes in law made by this Act relating to the authority of a person to carry a handgun apply to the carrying of a handgun on or after the effective date of this Act by any person who may legally carry a handgun under this Act.

SECTION 20. 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
1 before that date.

2 SECTION 21. This Act takes effect September 1, 2021.