

By: Biedermann

H.B. No. 1238

A BILL TO BE ENTITLED

1 AN ACT
2 relating to provisions governing the carrying of a firearm by a
3 person who is not otherwise prohibited by state or federal law from
4 possessing the firearm and to other provisions related to the
5 carrying, possessing, transporting, or storing of a firearm.

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

7 SECTION 1. This Act shall be known as the Texas
8 Constitutional Carry Act of 2021.

9 SECTION 2. The heading to Section 46.02, Penal Code, is
10 amended to read as follows:

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

13 SECTION 3. Section 46.02(b), Penal Code, is amended to read
14 as follows:

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

17 SECTION 4. Sections 46.03(a), (e-1), (e-2), and (f), Penal
18 Code, are amended to read as follows:

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

23 (1) on the physical premises of a school or
24 educational institution, any grounds or building on which an

1 activity sponsored by a school or educational institution is being
2 conducted, or a passenger transportation vehicle of a school or
3 educational institution, whether the school or educational
4 institution is public or private, unless:

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

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

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

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

21 (4) on the premises of a racetrack;

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

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

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

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

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

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

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

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

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

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

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

1 a handgun and was:

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

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

6 SECTION 5. Chapter 46, Penal Code, is amended by adding
7 Section 46.032 to read as follows:

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

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

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

16 SECTION 6. The heading to Section 46.035, Penal Code, is
17 amended to read as follows:

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

20 SECTION 7. Sections 46.035(a), (a-2), (a-3), (b), (c), (d),
21 (h), and (j), Penal Code, are amended to read as follows:

22 (a) A person [~~license holder~~] commits an offense if the
23 person [~~license holder~~] carries a handgun [~~on or about the license~~
24 ~~holder's person under the authority of Subchapter H, Chapter 411,~~
25 ~~Government Code,~~] and intentionally displays the handgun in plain
26 view of another person in a public place. It is an exception to the
27 application of this subsection that the handgun was partially or

1 wholly visible but was carried in a [~~shoulder or belt~~] holster [~~by~~
2 ~~the license holder~~].

3 (a-2) Notwithstanding Subsection (a) or Section 46.03(a), a
4 person [~~license holder~~] commits an offense if the person [~~license~~
5 ~~holder~~] carries a handgun on the campus of a private or independent
6 institution of higher education in this state that has established
7 rules, regulations, or other provisions prohibiting a person
8 [~~license holders~~] from carrying a handgun under [~~handguns pursuant~~
9 ~~to~~] Section 51.992(h), Education [~~411.2031(e), Government~~] Code,
10 or on the grounds or building on which an activity sponsored by the
11 [~~such an~~] institution is being conducted, or in a passenger
12 transportation vehicle of the [~~such an~~] institution, regardless of
13 whether the handgun is concealed or carried in a holster, provided
14 the institution gives effective notice under Section 30.06 or
15 30.07, as applicable.

16 (a-3) Notwithstanding Subsection (a) or Section 46.03(a), a
17 person [~~license holder~~] commits an offense if the person [~~license~~
18 ~~holder~~] intentionally carries a [~~concealed~~] handgun on a portion of
19 a premises located on the campus of an institution of higher
20 education in this state on which the carrying of a [~~concealed~~]
21 handgun is prohibited by rules, regulations, or other provisions
22 established under Section 51.992(d), Education [~~411.2031(d-1),~~
23 ~~Government~~] Code, provided the institution gives effective notice
24 under Section 30.06 or 30.07, as applicable, with respect to that
25 portion.

26 (b) A person [~~license holder~~] commits an offense if the
27 person [~~license holder~~] intentionally, knowingly, or recklessly

1 carries a handgun [~~under the authority of Subchapter H, Chapter~~
2 ~~411, Government Code~~], regardless of whether the handgun is
3 concealed or carried in a [~~shoulder or belt~~] holster [~~, on or about~~
4 ~~the license holder's person~~]:

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

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

15 (3) on the premises of a correctional facility;

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

21 (5) in an amusement park; or

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

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

24 (1) the person [~~license holder~~] intentionally,
25 knowingly, or recklessly carries a handgun [~~under the authority of~~
26 ~~Subchapter H, Chapter 411, Government Code~~], regardless of whether
27 the handgun is concealed or carried in a [~~shoulder or belt~~] holster,

1 in the room or rooms where a meeting of a governmental entity is
2 held; and

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

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

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

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

19 SECTION 8. Section 46.02(a-1), Penal Code, is transferred
20 to Section 46.035, Penal Code, redesignated as Section 46.035(d-1),
21 Penal Code, and amended to read as follows:

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

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

5 ~~[(2)]~~ the person is:

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

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

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

13 SECTION 9. Section 46.035(f), Penal Code, is amended by
14 adding Subdivision (1-b) to read as follows:

15 (1-b) "Intoxicated" has the meaning assigned by
16 Section 49.01.

17 SECTION 10. Sections 46.15(a), (h), and (l), Penal Code,
18 are amended to read as follows:

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

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

1 duties while carrying the weapon;

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

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

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

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

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

17 (B) authorized to carry a weapon under Section
18 76.0051, Government Code;

19 (4) an active judicial officer as defined by Section
20 411.201, Government Code, who is licensed to carry a handgun under
21 Subchapter H, Chapter 411, Government Code;

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

1 officer is an honorably retired peace officer or other qualified
2 retired law enforcement officer;

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

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

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

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

15 (B) engaged in escorting the judicial officer;

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

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

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

22 (B) engaged in providing emergency services; or

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

26 (h) The provisions of Section ~~[Sections 46.02 and]~~ 46.03
27 prohibiting the possession or carrying of a club do not apply to a

1 code enforcement officer who:

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

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

6 (A) performing official duties; or

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

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

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

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

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

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

25 SECTION 11. Chapter 507, Business & Commerce Code, is
26 amended to read as follows:

27 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 12. 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 (1) is not admissible as evidence in a trial on the
2 merits in an action:

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

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

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

9 SECTION 13. Section [125.0015\(a\)](#), Civil Practice and
10 Remedies Code, is amended to read as follows:

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

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

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

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

21 (4) delivery, possession, manufacture, or use of a
22 substance or other item in violation of Chapter [481](#), Health and
23 Safety Code;

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

26 (6) prostitution, promotion of prostitution, or
27 aggravated promotion of prostitution as prohibited by the Penal

- 1 Code;
- 2 (7) compelling prostitution as prohibited by the Penal
3 Code;
- 4 (8) commercial manufacture, commercial distribution,
5 or commercial exhibition of obscene material as prohibited by the
6 Penal Code;
- 7 (9) aggravated assault as described by Section 22.02,
8 Penal Code;
- 9 (10) sexual assault as described by Section 22.011,
10 Penal Code;
- 11 (11) aggravated sexual assault as described by Section
12 22.021, Penal Code;
- 13 (12) robbery as described by Section 29.02, Penal
14 Code;
- 15 (13) aggravated robbery as described by Section 29.03,
16 Penal Code;
- 17 (14) unlawfully carrying a weapon as described by
18 Section 46.02, Penal Code, or unlawfully carrying a firearm as
19 described by Section 46.03 or 46.035, Penal Code;
- 20 (15) murder as described by Section 19.02, Penal Code;
- 21 (16) capital murder as described by Section 19.03,
22 Penal Code;
- 23 (17) continuous sexual abuse of young child or
24 children as described by Section 21.02, Penal Code;
- 25 (18) massage therapy or other massage services in
26 violation of Chapter 455, Occupations Code;
- 27 (19) employing a minor at a sexually oriented business

1 as defined by Section 243.002, Local Government Code;

2 (20) trafficking of persons as described by Section
3 20A.02, Penal Code;

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

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

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

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

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

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

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

17 SECTION 14. Section 37.005(c), Education Code, is amended
18 to read as follows:

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

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

27 (2) conduct that contains the elements of a violent

1 offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code;
2 or

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

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

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

10 (C) an alcoholic beverage, as defined by Section
11 1.04, Alcoholic Beverage Code.

12 SECTION 15. Section 37.007(a), Education Code, is amended
13 to read as follows:

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

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

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

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

- 1 (B) arson under Section 28.02, Penal Code;
- 2 (C) murder under Section 19.02, Penal Code,
- 3 capital murder under Section 19.03, Penal Code, or criminal
- 4 attempt, under Section 15.01, Penal Code, to commit murder or
- 5 capital murder;
- 6 (D) indecency with a child under Section 21.11,
- 7 Penal Code;
- 8 (E) aggravated kidnapping under Section 20.04,
- 9 Penal Code;
- 10 (F) aggravated robbery under Section 29.03,
- 11 Penal Code;
- 12 (G) manslaughter under Section 19.04, Penal
- 13 Code;
- 14 (H) criminally negligent homicide under Section
- 15 19.05, Penal Code; or
- 16 (I) continuous sexual abuse of young child or
- 17 children under Section 21.02, Penal Code; or

18 (3) engages in conduct specified by Section

19 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

20 SECTION 16. The heading to Section 37.0815, Education Code,

21 is amended to read as follows:

22 Sec. 37.0815. TRANSPORTATION OR STORAGE OF FIREARM AND

23 AMMUNITION [~~BY LICENSE HOLDER~~] IN SCHOOL PARKING AREA.

24 SECTION 17. Section 37.0815(a), Education Code, is amended

25 to read as follows:

26 (a) A school district or open-enrollment charter school may

27 not prohibit a person, including a school employee, who is not

1 otherwise prohibited by law from possessing a firearm [~~holds a~~
2 ~~license to carry a handgun under Subchapter H, Chapter 411,~~
3 ~~Government Code,~~] from transporting or storing a handgun or other
4 firearm or ammunition in a locked, privately owned or leased motor
5 vehicle in a parking lot, parking garage, or other parking area
6 provided by the district or charter school and may not regulate the
7 manner in which the handgun, firearm, or ammunition is stored in the
8 vehicle, provided that the handgun, firearm, or ammunition is not
9 in plain view.

10 SECTION 18. Section 51.220(g), Education Code, is amended
11 to read as follows:

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

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

16 (2) suspension or revocation of the employee's license
17 to carry a [~~concealed~~] handgun issued under Subchapter H, Chapter
18 411, Government Code;

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

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

24 SECTION 19. Chapter 51, Education Code, is amended by
25 adding Subchapter Z-1, and a heading is added to that subchapter to
26 read as follows:

27 SUBCHAPTER Z-1. MISCELLANEOUS PROVISIONS RELATING TO FIREARMS

1 SECTION 20. Sections 411.2031 and 411.2032, Government
2 Code, are transferred to Subchapter Z-1, Chapter 51, Education
3 Code, as added by this Act, redesignated as Sections 51.991,
4 51.992, and 51.993, Education Code, and amended to read as follows:

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

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

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

14 (3) "Premises" has the meaning assigned by Section
15 46.035, Penal Code.

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

23 (b) [~~(c)~~] Except as provided by Subsection (c), (d),
24 [~~(d-1)~~], or (h) [~~(e)~~], an institution of higher education or
25 private or independent institution of higher education in this
26 state may not adopt any rule, regulation, or other provision
27 prohibiting a person who is not otherwise prohibited by law from

1 possessing a firearm [~~license holders~~] from carrying a handgun
2 [~~handguns~~] on the campus of the institution.

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

9 (d) [~~(d-1)~~] After consulting with students, staff, and
10 faculty of the institution regarding the nature of the student
11 population, specific safety considerations, and the uniqueness of
12 the campus environment, the president or other chief executive
13 officer of an institution of higher education in this state shall
14 establish reasonable rules, regulations, or other provisions
15 regarding the carrying of [~~concealed~~] handguns [~~by license holders~~]
16 on the campus of the institution or on premises located on the
17 campus of the institution. The president or officer may not
18 establish provisions that generally prohibit or have the effect of
19 generally prohibiting a person who is not otherwise prohibited by
20 law from possessing a firearm [~~license holders~~] from carrying a
21 handgun [~~concealed handguns~~] on the campus of the institution. The
22 president or officer may amend the provisions as necessary for
23 campus safety. The provisions take effect as determined by the
24 president or officer unless subsequently amended by the board of
25 regents or other governing board under Subsection (e) [~~(d-2)~~]. The
26 institution must give effective notice under Section 30.06 or
27 30.07, Penal Code, as applicable, with respect to any portion of a

1 premises that is subject to provisions established by the
2 institution under this subsection [~~on which license holders may not~~
3 ~~carry~~].

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

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

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

24 (1) describes its rules, regulations, or other
25 provisions regarding the carrying of [~~concealed~~] handguns on the
26 campus of the institution; and

27 (2) explains the reasons the institution has

1 established those provisions.

2 (h) [~~(e)~~] A private or independent institution of higher
3 education in this state, after consulting with students, staff, and
4 faculty of the institution, may establish rules, regulations, or
5 other provisions prohibiting a person, including a person who is
6 not otherwise prohibited by law from possessing a firearm, [~~license~~
7 ~~holders]~~ from carrying a handgun [~~handguns~~] on the campus of the
8 institution, any grounds or building on which an activity sponsored
9 by the institution is being conducted, or a passenger
10 transportation vehicle owned by the institution.

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

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

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

20 [~~(b)~~] An institution of higher education or private or
21 independent institution of higher education in this state may not
22 adopt or enforce any rule, regulation, or other provision or take
23 any other action, including posting notice under Section 30.06 or
24 30.07, Penal Code, prohibiting or placing restrictions on the
25 storage or transportation of a firearm or ammunition in a locked,
26 privately owned or leased motor vehicle by a person, including a
27 student enrolled at that institution, who is not otherwise

1 prohibited by law from possessing [~~holds a license to carry a~~
2 ~~handgun under this subchapter and lawfully possesses~~] the firearm
3 or ammunition:

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

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

8 SECTION 21. Subchapter Z-1, Chapter 51, Education Code, as
9 added by this Act, is amended by adding Section 51.994 to read as
10 follows:

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

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

26 (1) an act or a failure to act by an institution of
27 higher education, an officer or employee of an institution of

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

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

12 SECTION 22. Section 231.302(c-1), Family Code, is amended
13 to read as follows:

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

19 SECTION 23. The heading to Subchapter H, Chapter 411,
20 Government Code, is amended to read as follows:

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

23 SECTION 24. Section 411.179(c), Government Code, is amended
24 to read as follows:

25 (c) In adopting the form of the license under Subsection
26 (a), the department shall establish a procedure for the license of a
27 qualified handgun instructor or of the attorney general or a judge,

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

13 SECTION 25. Section 411.190(c), Government Code, is amended
14 to read as follows:

15 (c) In the manner applicable to a person who applies for a
16 license to carry a handgun, the department shall conduct a
17 background check of a person who applies for certification as a
18 qualified handgun instructor or approved online course provider.
19 If the background check indicates that the applicant for
20 certification would not qualify to receive a handgun license, the
21 department may not certify the applicant as a qualified handgun
22 instructor or approved online course provider. If the background
23 check indicates that the applicant for certification would qualify
24 to receive a handgun license, the department shall provide handgun
25 instructor or online course provider training to the applicant.
26 The applicant shall pay a fee of \$100 to the department for the
27 training. The applicant must take and successfully complete the

1 training offered by the department and pay the training fee before
2 the department may certify the applicant as a qualified handgun
3 instructor or approved online course provider. The department
4 shall issue a license to carry a handgun under [~~the authority of~~]
5 this subchapter to any person who is certified as a qualified
6 handgun instructor or approved online course provider and who pays
7 to the department a fee of \$40 in addition to the training fee. The
8 department by rule may prorate or waive the training fee for an
9 employee of another governmental entity.

10 SECTION 26. Section 411.200, Government Code, is amended to
11 read as follows:

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

18 SECTION 27. Sections 411.201(c), (e), and (h), Government
19 Code, are amended to read as follows:

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

- 24 (1) has not been convicted of a felony;
- 25 (2) has not, in the five years preceding the date of
26 application, been convicted of a Class A or Class B misdemeanor or
27 equivalent offense;

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

4 (4) is not a chemically dependent person; and

5 (5) is not a person of unsound mind.

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

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

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

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

27 SECTION 28. Section [411.203](#), Government Code, is amended to

1 read as follows:

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

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

10 SECTION 29. Section 411.204(c), Government Code, is amended
11 to read as follows:

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

20 SECTION 30. The heading to Section 411.206, Government
21 Code, is amended to read as follows:

22 Sec. 411.206. SEIZURE OF HANDGUN AND HANDGUN LICENSE.

23 SECTION 31. Sections 411.206(a) and (c), Government Code,
24 are amended to read as follows:

25 (a) If a peace officer arrests and takes into custody a
26 person [~~license holder~~] who is carrying a handgun [~~under the~~
27 ~~authority of this subchapter~~], the officer shall seize the person's

1 ~~[license holder's]~~ handgun. The peace officer also shall seize the
2 person's handgun ~~[and]~~ license as evidence if the person holds a
3 handgun license under this subchapter and is carrying the license
4 at the time of the arrest.

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

11 SECTION 32. Section 411.207, Government Code, is amended by
12 amending Subsections (a), (b), and (c) and adding Subsection (a-1)
13 to read as follows:

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

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

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

27 (3) is not prohibited from possessing a firearm

1 ~~[license holder]~~.

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

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

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

25 SECTION 33. Sections 411.208(a), (b), and (d), Government
26 Code, are amended to read as follows:

27 (a) A court may not hold the state, an agency or subdivision

1 of the state, an officer or employee of the state, [~~an institution~~
2 ~~of higher education, an officer or employee of an institution of~~
3 ~~higher education, a private or independent institution of higher~~
4 ~~education that has not adopted rules under Section 411.2031(e), an~~
5 ~~officer or employee of a private or independent institution of~~
6 ~~higher education that has not adopted rules under Section~~
7 ~~411.2031(e),~~] a peace officer, a qualified handgun instructor, or
8 an approved online course provider liable for damages caused by:

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

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

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

25 (d) The immunities granted under Subsections (a), (b), and
26 (c) do not apply to[+]

27 [~~1~~] an act or a failure to act by the state, an

1 agency or subdivision of the state, an officer of the state, [~~an~~
2 ~~institution of higher education, an officer or employee of an~~
3 ~~institution of higher education, a private or independent~~
4 ~~institution of higher education that has not adopted rules under~~
5 ~~Section 411.2031(e), an officer or employee of a private or~~
6 ~~independent institution of higher education that has not adopted~~
7 ~~rules under Section 411.2031(e),]~~ or a peace officer if the act or
8 failure to act was capricious or arbitrary[~~;~~ ~~or~~

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

15 SECTION 34. The heading to Section 411.209, Government
16 Code, is amended to read as follows:

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

19 SECTION 35. Section 411.209(a), Government Code, is amended
20 to read as follows:

21 (a) Except as provided by Subsection (i), a state agency or
22 a political subdivision of the state may not take any action,
23 including an action consisting of the provision of notice by a
24 communication described by Section 30.06 or 30.07, Penal Code, that
25 states or implies that a person [~~license holder~~] who is carrying a
26 handgun [~~under the authority of this subchapter~~] is prohibited from
27 entering or remaining on a premises or other place owned or leased

1 by the governmental entity unless a person is [~~license holders are~~]
2 prohibited from carrying a handgun on the premises or other place by
3 Section 46.03 or 46.035, Penal Code, or other law.

4 SECTION 36. Section 12.092(b), Health and Safety Code, is
5 amended to read as follows:

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

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

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

16 SECTION 37. The heading to Section 552.002, Health and
17 Safety Code, is amended to read as follows:

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

20 SECTION 38. Sections 552.002(a), (b), and (c), Health and
21 Safety Code, are amended to read as follows:

22 (a) In this section:

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

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

27 (A) the Austin State Hospital;

- 1 (B) the Big Spring State Hospital;
- 2 (C) the El Paso Psychiatric Center;
- 3 (D) the Kerrville State Hospital;
- 4 (E) the North Texas State Hospital;
- 5 (F) the Rio Grande State Center;
- 6 (G) the Rusk State Hospital;
- 7 (H) the San Antonio State Hospital;
- 8 (I) the Terrell State Hospital; and
- 9 (J) the Waco Center for Youth.

10 (2) [~~(3)~~] "Written notice" means a sign that is posted
11 on property and that:

12 (A) includes in both English and Spanish written
13 language identical to the following: "Pursuant to Section 552.002,
14 Health and Safety Code (carrying of handgun [~~by license holder~~] in
15 state hospital), a person [~~licensed under Subchapter H, Chapter~~
16 ~~411, Government Code (handgun licensing law),~~] may not enter this
17 property with a handgun";

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

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

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

26 (c) A person [~~license holder~~] who carries a handgun [~~under~~
27 ~~the authority of Subchapter H, Chapter 411, Government Code,~~] on

1 the property of a state hospital at which written notice is provided
2 is liable for a civil penalty in the amount of:

3 (1) \$100 for the first violation; or

4 (2) \$500 for the second or subsequent violation.

5 SECTION 39. Section 42.042(e-2), Human Resources Code, is
6 amended to read as follows:

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

14 SECTION 40. Section 52.061, Labor Code, is amended to read
15 as follows:

16 Sec. 52.061. RESTRICTION ON PROHIBITING EMPLOYEE ACCESS TO
17 OR STORAGE OF FIREARM OR AMMUNITION. A public or private employer
18 may not prohibit an employee who is not otherwise prohibited by
19 state or federal law from possessing [~~holds a license to carry a~~
20 ~~handgun under Subchapter H, Chapter 411, Government Code, who~~
21 ~~otherwise lawfully possesses~~] a firearm[~~7~~] or [~~who lawfully~~
22 ~~possesses~~] ammunition from transporting or storing a firearm or
23 ammunition [~~the employee is authorized by law to possess~~] in a
24 locked, privately owned motor vehicle in a parking lot, parking
25 garage, or other parking area the employer provides for employees.

26 SECTION 41. Section 52.062(a), Labor Code, is amended to
27 read as follows:

1 (a) Section 52.061 does not:

2 (1) authorize a person who is not otherwise prohibited
3 by state or federal law from possessing [~~holds a license to carry a~~
4 ~~handgun under Subchapter H, Chapter 411, Government Code, who~~
5 ~~otherwise lawfully possesses~~] a firearm~~[7]~~ or [~~who lawfully~~
6 ~~possesses~~] ammunition to possess a firearm or ammunition on any
7 property where the possession of a firearm or ammunition is
8 prohibited by state or federal law; or

9 (2) apply to:

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

15 (B) a school district;

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

18 (D) a private school, as defined by Section
19 22.081, Education Code;

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

24 (F) property owned or leased by a chemical
25 manufacturer or oil and gas refiner with an air authorization under
26 Chapter 382, Health and Safety Code, and on which the primary
27 business conducted is the manufacture, use, storage, or

1 transportation of hazardous, combustible, or explosive materials,
2 except in regard to an employee who is not otherwise prohibited by
3 state or federal law from possessing a firearm or ammunition [~~holds~~
4 ~~a license to carry a handgun under Subchapter H, Chapter 411,~~
5 ~~Government Code,~~] and [~~who~~] stores the [~~a~~] firearm or ammunition
6 [~~the employee is authorized by law to possess~~] in a locked,
7 privately owned motor vehicle in a parking lot, parking garage, or
8 other parking area the employer provides for employees that is
9 outside of a secured and restricted area:

- 10 (i) that contains the physical plant;
11 (ii) that is not open to the public; and
12 (iii) the ingress into which is constantly
13 monitored by security personnel.

14 SECTION 42. Section 191.010(a), Local Government Code, is
15 amended to read as follows:

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

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

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

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

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

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

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

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

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

19 SECTION 43. Section [229.001\(b\)](#), Local Government Code, is
20 amended to read as follows:

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

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

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

1 shooting range;

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

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

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

14 (6) regulate the carrying of an air gun or [a] firearm,
15 ~~[or air gun by a person]~~ other than a ~~[person licensed to carry a]~~
16 handgun carried by a person not otherwise prohibited by state or
17 federal law from possessing a firearm [under Subchapter H, Chapter
18 411, Government Code], at a:

19 (A) ~~[public park,~~
20 ~~[(B)]~~ public meeting of a municipality, county,
21 or other governmental body;

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

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

26 (7) ~~[regulate the carrying of a firearm by a person~~
27 ~~licensed to carry a handgun under Subchapter H, Chapter 411,~~

1 ~~Government Code,~~] in accordance with Section 411.209, Government
2 Code, regulate the carrying of a firearm by any person;

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

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

10 (A) public property; or

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

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

17 SECTION 44. Section 236.002(c), Local Government Code, is
18 amended to read as follows:

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

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

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

26 (3) ~~[regulate the carrying of a firearm by a person
27 licensed to carry a handgun under Subchapter H, Chapter 411,~~

1 ~~Government Code,~~] in accordance with Section 411.209, Government
2 Code, regulate the carrying of a firearm by any person;

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

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

10 SECTION 45. Section 1702.002(21), Occupations Code, is
11 amended to read as follows:

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

15 SECTION 46. Section 1702.169, Occupations Code, is amended
16 to read as follows:

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

20 ~~[(1) the security officer is:~~

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

23 (1) ~~[, or~~

24 ~~[(B) traveling to or from the place of~~
25 ~~assignment,~~

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

1 (2) [~~3~~] the firearm is in plain view.

2 SECTION 47. Section 1702.206(a), Occupations Code, is
3 amended to read as follows:

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

7 (1) is [~~either~~

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

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

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

19 SECTION 48. Sections 62.082(d) and (e), Parks and Wildlife
20 Code, are amended to read as follows:

21 (d) Section 62.081 does not apply to:

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

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

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

26 (4) a person who:

27 (A) is carrying [~~possesses~~] a handgun [~~and a~~

1 ~~license issued under Subchapter H, Chapter 411, Government Code, to~~
2 ~~carry a handgun]; or~~

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

7 (e) A state agency, including the department, the
8 Department of Public Safety, and the Lower Colorado River
9 Authority, may not adopt a rule that prohibits a person who is not
10 otherwise prohibited by state or federal law from possessing a
11 firearm [~~possesses a license issued under Subchapter H, Chapter~~
12 ~~411, Government Code,~~] from entering or crossing the land of the
13 Lower Colorado River Authority while:

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

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

18 SECTION 49. Section 284.001(e), Parks and Wildlife Code, is
19 amended to read as follows:

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

23 SECTION 50. Section 287.001(e), Parks and Wildlife Code, is
24 amended to read as follows:

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

1 SECTION 51. Section 9.31(b), Penal Code, is amended to read
2 as follows:

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

4 (1) in response to verbal provocation alone;

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

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

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

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

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

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

22 (A) carrying a weapon in violation of Section
23 46.02 or a firearm in violation of Section 46.03 or 46.035; or

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

26 SECTION 52. Section 30.05(f), Penal Code, is amended to
27 read as follows:

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

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

5 (2) the person was carrying[+]

6 [~~(A) a license issued under Subchapter H, Chapter~~
7 ~~411, Government Code, to carry a handgun; and~~

8 [~~(B)~~] a handgun:

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

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

11 SECTION 53. The heading to Section 30.06, Penal Code, is
12 amended to read as follows:

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

15 SECTION 54. Sections 30.06(a), (c), (d), (e), (e-1), (e-2),
16 (e-3), (f), and (g), Penal Code, are amended to read as follows:

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

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

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

24 (c) In this section:

25 (1) "Entry" has the meaning assigned by Section
26 30.05(b).

27 (2) [~~"License holder" has the meaning assigned by~~

1 ~~Section 46.035(f).~~

2 [~~3~~] "Written communication" means:

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

9 (B) a sign posted on the property that:

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

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

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

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

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

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

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

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

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

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

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

12 (2) the person [~~license holder~~]:

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

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

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

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

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

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

1 guest; and

2 (2) the person [~~license holder~~]:

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

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

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

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

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

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

19 (2) the person [~~license holder~~]:

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

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

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

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

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

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

11 SECTION 55. The heading to Section 30.07, Penal Code, is
12 amended to read as follows:

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

15 SECTION 56. Sections 30.07(a), (c), (d), (e), (e-1), (e-2),
16 (e-3), (f), (g), and (h), Penal Code, are amended to read as
17 follows:

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

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

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

25 (c) In this section:

26 (1) "Entry" has the meaning assigned by Section
27 30.05(b).

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

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

4 (A) a card or other document on which is written
5 language identical to the following: "Pursuant to Section 30.07,
6 Penal Code (trespass by person ~~[license holder]~~ with ~~[an]~~ openly
7 carried handgun), a person ~~[licensed under Subchapter H, Chapter~~
8 ~~411, Government Code (handgun licensing law),]~~ may not enter this
9 property with a handgun that is carried openly"; or

10 (B) a sign posted on the property that:

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

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

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

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

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

1 or 46.035 or other law.

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

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

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

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

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

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

13 (2) the person [~~license holder~~]:

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

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

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

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

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

27 (1) the person [~~license holder~~] is a tenant of a leased

1 premises governed by Chapter 92, Property Code, or the tenant's
2 guest; and

3 (2) the person [~~license holder~~]:

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

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

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

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

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

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

20 (2) the person [~~license holder~~]:

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

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

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

1 leased premises; or

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

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

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

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

14 SECTION 57. The following provisions are repealed:

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

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

19 (3) Sections 411.204(d) and 411.208(f), Government
20 Code;

21 (4) Section 411.205, Government Code;

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

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

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

27 (8) Section 46.035(a-1), Penal Code, as added by

1 Chapter 438 (S.B. 11), Acts of the 84th Legislature, Regular
2 Session, 2015;

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

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

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

10 SECTION 58. The change in law made by this Act relating to
11 the carrying of a handgun applies to the carrying of a handgun on or
12 after the effective date of this Act by any person not otherwise
13 prohibited by state or federal law from possessing a firearm.

14 SECTION 59. The changes in law made by this Act apply only
15 to an offense committed on or after the effective date of this Act.
16 An offense committed before the effective date of this Act is
17 governed by the law in effect when the offense was committed, and
18 the former law is continued in effect for that purpose. For
19 purposes of this section, an offense was committed before the
20 effective date of this Act if any element of the offense occurred
21 before that date.

22 SECTION 60. This Act takes effect September 1, 2021.