

By: Anchia

H.B. No. 1769

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the carrying of handguns on the campuses of and certain
3 other locations associated with institutions of higher education.

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

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

7 (e) An institution of higher education or [A] private or
8 independent institution of higher education in this state, after
9 consulting with students, staff, and faculty of the institution,
10 may establish rules, regulations, or other provisions prohibiting
11 license holders from carrying handguns on the campus of the
12 institution, any grounds or building on which an activity sponsored
13 by the institution is being conducted, or a passenger
14 transportation vehicle owned by the institution.

15 SECTION 2. Sections 411.208(a), (b), and (d), Government
16 Code, are amended to read as follows:

17 (a) A court may not hold the state, an agency or subdivision
18 of the state, an officer or employee of the state, an institution of
19 higher education [~~, an officer~~] or [~~employee of an institution of~~
20 ~~higher education, a~~] private or independent institution of higher
21 education that has not adopted rules under Section 411.2031(e), an
22 officer or employee of an institution of higher education or [a]
23 private or independent institution of higher education that has not
24 adopted rules under Section 411.2031(e), a peace officer, a

1 qualified handgun instructor, or an approved online course provider
2 liable for damages caused by:

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

5 (2) the actions of an applicant or license holder that
6 occur after the applicant has received a license or been denied a
7 license under this subchapter.

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

20 (d) The immunities granted under Subsections (a), (b), and
21 (c) do not apply to:

22 (1) an act or a failure to act by the state, an agency
23 or subdivision of the state, an officer of the state, an institution
24 of higher education~~[, an officer]~~ or ~~[employee of an institution of~~
25 ~~higher education, a]~~ private or independent institution of higher
26 education that has not adopted rules under Section 411.2031(e), an
27 officer or employee of an institution of higher education or ~~[a]~~

1 private or independent institution of higher education that has not
2 adopted rules under Section 411.2031(e), or a peace officer if the
3 act or failure to act was capricious or arbitrary; or

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

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

12 (a-2) Notwithstanding Subsection (a) or Section 46.03(a), a
13 license holder commits an offense if the license holder carries a
14 handgun on the campus of an institution of higher education or [a]
15 private or independent institution of higher education in this
16 state that has established rules, regulations, or other provisions
17 prohibiting license holders from carrying handguns pursuant to
18 Section 411.2031(e), Government Code, or on the grounds or building
19 on which an activity sponsored by such an institution is being
20 conducted, or in a passenger transportation vehicle of such an
21 institution, regardless of whether the handgun is concealed,
22 provided the institution gives effective notice under Section
23 30.06.

24 (h) It is a defense to prosecution under Subsection (a),
25 (a-1), or (a-2) [~~or (a-3)~~] that the actor, at the time of the
26 commission of the offense, displayed the handgun under
27 circumstances in which the actor would have been justified in the

1 use of force or deadly force under Chapter 9.

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

5 SECTION 4. The following laws are repealed:

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

8 (2) Section 46.035(a-3), Penal Code.

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

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

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