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H.B. No. 1927

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to provisions governing the carrying of a firearm by a  
3 person who is 21 years of age or older and not otherwise prohibited  
4 by state or federal law from possessing the firearm and to other  
5 provisions related to the carrying, possessing, transporting, or  
6 storing of a firearm or other weapon; creating criminal offenses.

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

8 SECTION 1. This Act shall be known as the Firearm Carry Act  
9 of 2021.

10 SECTION 2. The Legislature of the State of Texas finds that:

11 (1) The Second Amendment of the United States  
12 Constitution protects an individual right to keep and bear arms,  
13 and to possess a firearm unconnected with service in a militia, and  
14 to use that firearm for traditionally lawful purposes, such as  
15 self-defense within the home;

16 (2) Section 23, Article I, of the Texas Constitution  
17 secures for Texas citizens the right to keep and bear arms;

18 (3) persons who are currently prohibited from  
19 possessing firearms under state and federal law will not gain the  
20 right to possess or carry a firearm under this legislation; and

21 (4) persons who are currently prohibited from  
22 possessing a firearm include: persons convicted of a felony as  
23 described by the provisions of Section 46.04, Penal Code, persons  
24 convicted of certain assault offenses under Section 22.01, Penal

1 Code, punishable as a Class A misdemeanor and involving a member of  
2 the person's family or household, certain persons who are the  
3 subject of a protective order under Section 46.04(c), Penal Code,  
4 and persons meeting any of the criteria listed in 18 U.S.C. Section  
5 922(g), including persons adjudicated to be mentally incompetent.

6 SECTION 3. Article 14.03, Code of Criminal Procedure, is  
7 amended by adding Subsection (h) to read as follows:

8 (h)(1) A peace officer who is acting in the lawful discharge  
9 of the officer's official duties may disarm a person at any time the  
10 officer reasonably believes it is necessary for the protection of  
11 the person, officer, or another individual. The peace officer  
12 shall return the handgun to the person before discharging the  
13 person from the scene if the officer determines that the person is  
14 not a threat to the officer, person, or another individual and if  
15 the person has not committed a violation that results in the arrest  
16 of the person.

17 (2) A peace officer who is acting in the lawful  
18 discharge of the officer's official duties may temporarily disarm a  
19 person when the person enters a nonpublic, secure portion of a law  
20 enforcement facility, if the law enforcement agency provides a gun  
21 locker where the peace officer can secure the person's handgun. The  
22 peace officer shall secure the handgun in the locker and shall  
23 return the handgun to the person immediately after the person  
24 leaves the nonpublic, secure portion of the law enforcement  
25 facility.

26 (3) For purposes of this subsection, "law enforcement  
27 facility" and "nonpublic, secure portion of a law enforcement

1 facility" have the meanings assigned by Section 411.207, Government  
2 Code.

3 SECTION 4. Article 55.01(a), Code of Criminal Procedure, is  
4 amended to read as follows:

5 (a) A person who has been placed under a custodial or  
6 noncustodial arrest for commission of either a felony or  
7 misdemeanor is entitled to have all records and files relating to  
8 the arrest expunged if:

9 (1) the person is tried for the offense for which the  
10 person was arrested and is:

11 (A) acquitted by the trial court, except as  
12 provided by Subsection (c); or

13 (B) convicted and subsequently:

14 (i) pardoned for a reason other than that  
15 described by Subparagraph (ii); ~~or~~

16 (ii) pardoned or otherwise granted relief  
17 on the basis of actual innocence with respect to that offense, if  
18 the applicable pardon or court order clearly indicates on its face  
19 that the pardon or order was granted or rendered on the basis of the  
20 person's actual innocence; or

21 (iii) the statute prohibiting the conduct  
22 has been repealed and the offense of which the person was convicted  
23 is an offense related solely to the unlawful possession of a  
24 firearm; or

25 (2) the person has been released and the charge, if  
26 any, has not resulted in a final conviction and is no longer pending  
27 and there was no court-ordered community supervision under Chapter

1 42A for the offense, unless the offense is a Class C misdemeanor,  
2 provided that:

3 (A) regardless of whether any statute of  
4 limitations exists for the offense and whether any limitations  
5 period for the offense has expired, an indictment or information  
6 charging the person with the commission of a misdemeanor offense  
7 based on the person's arrest or charging the person with the  
8 commission of any felony offense arising out of the same  
9 transaction for which the person was arrested:

10 (i) has not been presented against the  
11 person at any time following the arrest, and:

12 (a) at least 180 days have elapsed  
13 from the date of arrest if the arrest for which the expunction was  
14 sought was for an offense punishable as a Class C misdemeanor and if  
15 there was no felony charge arising out of the same transaction for  
16 which the person was arrested;

17 (b) at least one year has elapsed from  
18 the date of arrest if the arrest for which the expunction was sought  
19 was for an offense punishable as a Class B or A misdemeanor and if  
20 there was no felony charge arising out of the same transaction for  
21 which the person was arrested;

22 (c) at least three years have elapsed  
23 from the date of arrest if the arrest for which the expunction was  
24 sought was for an offense punishable as a felony or if there was a  
25 felony charge arising out of the same transaction for which the  
26 person was arrested; or

27 (d) the attorney representing the

1 state certifies that the applicable arrest records and files are  
2 not needed for use in any criminal investigation or prosecution,  
3 including an investigation or prosecution of another person; or

4 (ii) if presented at any time following the  
5 arrest, was dismissed or quashed, and the court finds that the  
6 indictment or information was dismissed or quashed because:

7 (a) the person completed a veterans  
8 treatment court program created under Chapter 124, Government Code,  
9 or former law, subject to Subsection (a-3);

10 (b) the person completed a mental  
11 health court program created under Chapter 125, Government Code, or  
12 former law, subject to Subsection (a-4);

13 (c) the person completed a pretrial  
14 intervention program authorized under Section 76.011, Government  
15 Code, other than a veterans treatment court program created under  
16 Chapter 124, Government Code, or former law, or a mental health  
17 court program created under Chapter 125, Government Code, or former  
18 law;

19 (d) the presentment had been made  
20 because of mistake, false information, or other similar reason  
21 indicating absence of probable cause at the time of the dismissal to  
22 believe the person committed the offense; or

23 (e) the indictment or information was  
24 void; or

25 (B) prosecution of the person for the offense for  
26 which the person was arrested is no longer possible because the  
27 limitations period has expired.

1 SECTION 5. Section 37.0815(b), Education Code, is amended  
2 to read as follows:

3 (b) This section does not authorize a person to possess,  
4 transport, or store a handgun, a firearm, or ammunition in  
5 violation of Section 37.125 of this code, Section 46.03 [~~or~~  
6 46.035], Penal Code, or other law.

7 SECTION 6. Subchapter A, Chapter 411, Government Code, is  
8 amended by adding Section 411.02096 to read as follows:

9 Sec. 411.02096. REPORT REGARDING CERTAIN FIREARM  
10 STATISTICS. (a) Not later than January 31 of each year, the  
11 department shall collect information for the preceding calendar  
12 year related to the carrying of firearms by persons in this state,  
13 including:

14 (1) the number of persons who applied for a license to  
15 carry a handgun under Subchapter H compared to the yearly average  
16 number of people who applied for a license from 2010 through 2020;  
17 and

18 (2) any other relevant information related to the  
19 carrying of firearms by persons in this state.

20 (b) The department shall identify the entities that possess  
21 information required by Subsection (a) and require each entity to  
22 report the information to the department in the manner prescribed  
23 by the department.

24 (c) Not later than February 1 of each year, the department  
25 shall prepare and submit to the governor, the lieutenant governor,  
26 and each member of the legislature a report that includes the  
27 information described by Subsection (a).

1        (d) This section expires September 1, 2028.

2        SECTION 7. Sections 411.186(a), (c), and (d), Government  
3 Code, are amended to read as follows:

4        (a) The department shall revoke a license under this section  
5 if the license holder:

6            (1) was not entitled to the license at the time it was  
7 issued;

8            (2) made a material misrepresentation or failed to  
9 disclose a material fact in an application submitted under this  
10 subchapter;

11           (3) subsequently becomes ineligible for a license  
12 under Section 411.172, unless the sole basis for the ineligibility  
13 is that the license holder is charged with the commission of a Class  
14 A or Class B misdemeanor or equivalent offense, or of an offense  
15 under Section 42.01, Penal Code, or equivalent offense, or of a  
16 felony under an information or indictment;

17           (4) ~~[is convicted of an offense under Section 46.035,~~  
18 ~~Penal Code,~~

19           ~~[(5)]~~ is determined by the department to have engaged  
20 in conduct constituting a reason to suspend a license listed in  
21 Section 411.187(a) after the person's license has been previously  
22 suspended twice for the same reason; or

23           (5) ~~[(6)]~~ submits an application fee that is  
24 dishonored or reversed if the applicant fails to submit a cashier's  
25 check or money order made payable to the "Department of Public  
26 Safety of the State of Texas" in the amount of the dishonored or  
27 reversed fee, plus \$25, within 30 days of being notified by the

1 department that the fee was dishonored or reversed.

2 (c) A license holder whose license is revoked for a reason  
3 listed in Subsections (a)(1)-(4) [~~(a)(1)-(5)~~] may reapply as a new  
4 applicant for the issuance of a license under this subchapter after  
5 the second anniversary of the date of the revocation if the cause  
6 for revocation does not exist on the date of the second anniversary.  
7 If the cause for revocation exists on the date of the second  
8 anniversary after the date of revocation, the license holder may  
9 not apply for a new license until the cause for revocation no longer  
10 exists and has not existed for a period of two years.

11 (d) A license holder whose license is revoked under  
12 Subsection (a)(5) [~~(a)(6)~~] may reapply for an original or renewed  
13 license at any time, provided the application fee and a dishonored  
14 payment charge of \$25 is paid by cashier's check or money order made  
15 payable to the "Texas Department of Public Safety."

16 SECTION 8. Section [411.203](#), Government Code, is amended to  
17 read as follows:

18 Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does  
19 not prevent or otherwise limit the right of a public or private  
20 employer to prohibit persons who are licensed under this subchapter  
21 from carrying a handgun on the premises of the business. In this  
22 section, "premises" has the meaning assigned by Section [46.03](#)  
23 [~~46.035(f)(3)~~], Penal Code.

24 SECTION 9. Section [411.2031\(a\)\(3\)](#), Government Code, is  
25 amended to read as follows:

26 (3) "Premises" has the meaning assigned by Section  
27 [46.03](#) [~~46.035~~], Penal Code.



1 SECTION 10. Subchapter H, Chapter 411, Government Code, is  
2 amended by adding Section 411.2049 to read as follows:

3 Sec. 411.2049. CERTAIN INVESTIGATORY STOPS AND INQUIRIES  
4 PROHIBITED. A peace officer may not make an investigatory stop or  
5 other temporary detention to inquire as to a person's possession of  
6 a handgun solely because the person is carrying a partially or  
7 wholly visible handgun in a holster.

8 SECTION 11. Sections 411.209(a) and (j), Government Code,  
9 are amended to read as follows:

10 (a) Except as provided by Subsection (i), a state agency or  
11 a political subdivision of the state may not take any action,  
12 including an action consisting of the provision of notice by a  
13 communication described by Section 30.06 or 30.07, Penal Code, that  
14 states or implies that a license holder who is carrying a handgun  
15 under the authority of this subchapter is prohibited from entering  
16 or remaining on a premises or other place owned or leased by the  
17 governmental entity unless license holders are prohibited from  
18 carrying a handgun on the premises or other place by Section 46.03  
19 [~~or 46.035~~], Penal Code, or other law.

20 (j) In this section, "premises" has the meaning assigned by  
21 Section 46.03 [~~46.035~~], Penal Code.

22 SECTION 12. Section 552.002(a)(1), Health and Safety Code,  
23 is amended to read as follows:

24 (1) "License holder" has the meaning assigned by  
25 Section 46.03 [~~46.035(f)~~], Penal Code.

26 SECTION 13. Section 773.0145(a), Health and Safety Code, is  
27 amended to read as follows:

1 (a) This section applies to:

2 (1) an amusement park, as defined by Section 46.03  
3 ~~[46.035]~~, Penal Code;

4 (2) a child-care facility, as defined by Section  
5 42.002, Human Resources Code;

6 (3) a day camp or youth camp, as defined by Section  
7 141.002;

8 (4) a private or independent institution of higher  
9 education, as defined by Section 61.003, Education Code;

10 (5) a restaurant, as defined by Section 17.821,  
11 Business & Commerce Code;

12 (6) a sports venue, as defined by Section 504.151,  
13 Local Government Code;

14 (7) a youth center, as defined by Section 481.134; or

15 (8) subject to Subsection (b), any other entity that  
16 the executive commissioner by rule designates as an entity that  
17 would benefit from the possession and administration of epinephrine  
18 auto-injectors.

19 SECTION 14. Section 42.042(e-2), Human Resources Code, is  
20 amended to read as follows:

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

1 SECTION 15. Section 52.062(b), Labor Code, is amended to  
2 read as follows:

3 (b) Section 52.061 does not prohibit an employer from  
4 prohibiting an employee who holds a license to carry a handgun under  
5 Subchapter H, Chapter 411, Government Code, or who otherwise  
6 lawfully possesses a firearm, from possessing a firearm the  
7 employee is otherwise authorized by law to possess on the premises  
8 of the employer's business. In this subsection, "premises" has the  
9 meaning assigned by Section 46.03 [~~46.035(f)(3)~~], Penal Code.

10 SECTION 16. Section 229.001(b), Local Government Code, is  
11 amended to read as follows:

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

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

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

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

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

27 (5) regulate the storage or transportation of

1 explosives to protect public health and safety, except that 25  
2 pounds or less of black powder for each private residence and 50  
3 pounds or less of black powder for each retail dealer are not  
4 subject to regulation;

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

10 (A) public park;

11 (B) public meeting of a municipality, county, or  
12 other governmental body;

13 (C) political rally, parade, or official  
14 political meeting; or

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

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

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

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

- 1 (A) public property; or
- 2 (B) private property without consent of the
- 3 property owner; or
- 4 (10) except as provided by Subsection (d-1), regulate
- 5 or prohibit an employee's carrying or possession of a firearm,
- 6 firearm accessory, or ammunition in the course of the employee's
- 7 official duties.

8 SECTION 17. Section 30.05, Penal Code, is amended by  
9 amending Subsections (d) and (f) and adding Subsections (d-3) and  
10 (f-4) to read as follows:

11 (d) Subject to Subsection (d-3), an [A] offense under this  
12 section is:

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

15 (2) a Class C misdemeanor, except as provided by  
16 Subdivision (3), if the offense is committed:

17 (A) on agricultural land and within 100 feet of  
18 the boundary of the land; or

19 (B) on residential land and within 100 feet of a  
20 protected freshwater area; and

21 (3) a Class A misdemeanor if:

22 (A) the offense is committed:

23 (i) in a habitation or a shelter center;

24 (ii) on a Superfund site; or

25 (iii) on or in a critical infrastructure  
26 facility;

27 (B) the offense is committed on or in property of

1 an institution of higher education and it is shown on the trial of  
2 the offense that the person has previously been convicted of:

3 (i) an offense under this section relating  
4 to entering or remaining on or in property of an institution of  
5 higher education; or

6 (ii) an offense under Section 51.204(b)(1),  
7 Education Code, relating to trespassing on the grounds of an  
8 institution of higher education; or

9 (C) the person carries a deadly weapon during the  
10 commission of the offense.

11 (d-3) An offense under this section is a Class C misdemeanor  
12 punishable by a fine not to exceed \$200 if the person enters the  
13 property, land, or building with a firearm or other weapon and the  
14 sole basis on which entry on the property or land or in the building  
15 was forbidden is that entry with a firearm or other weapon was  
16 forbidden, except that the offense is a Class A misdemeanor if it is  
17 shown on the trial of the offense that, after entering the property,  
18 land, or building with the firearm or other weapon, the actor:

19 (1) personally received from the owner of the property  
20 or another person with apparent authority to act for the owner  
21 notice that entry with a firearm or other weapon was forbidden, as  
22 given through:

23 (A) notice under Subsection (b)(2)(A), including  
24 oral or written communication; or

25 (B) if the actor is unable to reasonably  
26 understand the notice described by Paragraph (A), other personal  
27 notice that is reasonable under the circumstances; and

1           (2) subsequently failed to depart.

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

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

6           (2) the person was carrying:

7           (A) a license issued under Subchapter H, Chapter  
8 411, Government Code, to carry a handgun; and

9           (B) a handgun:

10           (i) in a concealed manner; or

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

12           (f-4) It is a defense to prosecution under this section  
13 that:

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

17           (2) the actor:

18           (A) personally received from the owner of the  
19 property or another person with apparent authority to act for the  
20 owner notice that entry with a firearm or other weapon was  
21 forbidden, as given through:

22           (i) notice under Subsection (b)(2)(A),  
23 including oral or written communication; or

24           (ii) if the actor is unable to reasonably  
25 understand the notice described by Subparagraph (i), other personal  
26 notice that is reasonable under the circumstances; and

27           (B) promptly departed from the property.

1 SECTION 18. Section 30.06(c)(2), Penal Code, is amended to  
2 read as follows:

3 (2) "License holder" has the meaning assigned by  
4 Section 46.03 [~~46.035(f)~~].

5 SECTION 19. Section 30.06(e), Penal Code, is amended to  
6 read as follows:

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

12 SECTION 20. Section 30.07(c)(2), Penal Code, is amended to  
13 read as follows:

14 (2) "License holder" has the meaning assigned by  
15 Section 46.03 [~~46.035(f)~~].

16 SECTION 21. Sections 30.07(e) and (f), Penal Code, are  
17 amended to read as follows:

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

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

25 SECTION 22. Section 46.02, Penal Code, is amended by  
26 amending Subsections (a), (a-1), and (b) and adding Subsection  
27 (a-5) to read as follows:



1 (a) A person commits an offense if the person:

2 (1) intentionally, knowingly, or recklessly carries  
3 on or about his or her person a handgun; ~~and~~

4 (2) is younger than 21 years of age at the time of the  
5 offense; and

6 (3) is not:

7 (A) on the person's own premises or premises  
8 under the person's control; or

9 (B) inside of or directly en route to a motor  
10 vehicle or watercraft that is owned by the person or under the  
11 person's control.

12 (a-1) A person younger than 21 years of age commits an  
13 offense if the person intentionally, knowingly, or recklessly  
14 carries on or about his or her person a handgun in a motor vehicle or  
15 watercraft that is owned by the person or under the person's control  
16 at any time in which:

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

21 (2) the person is:

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

25 (B) prohibited by law from possessing a firearm~~+~~  
26 ~~or~~

27 ~~[(C) a member of a criminal street gang, as~~

1 defined by Section [71.01](#)].

2 (a-5) A person commits an offense if the person carries a  
3 handgun and intentionally displays the handgun in plain view of  
4 another person in a public place. It is an exception to the  
5 application of this subsection that the handgun was partially or  
6 wholly visible but was carried in a holster.

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

9 SECTION 23. Section [46.03](#), Penal Code, is amended by  
10 amending Subsections (a), (c), (e-1), (e-2), and (g) and adding  
11 Subsections (a-2), (a-3), (a-4), and (g-2) to read as follows:

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

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

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

24 (B) the person possesses or goes with a concealed  
25 handgun that the person is licensed to carry under Subchapter H,  
26 Chapter [411](#), Government Code, and no other weapon to which this  
27 section applies, on the premises of an institution of higher

1 education or private or independent institution of higher  
2 education, on any grounds or building on which an activity  
3 sponsored by the institution is being conducted, or in a passenger  
4 transportation vehicle of the institution;

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

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

10 (4) on the premises of a racetrack;

11 (5) in or into a secured area of an airport; [~~or~~]

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

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

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

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

27 (8) on the premises where a high school, collegiate,

1 or professional sporting event or interscholastic event is taking  
2 place, unless the person is a participant in the event and a  
3 firearm, location-restricted knife, club, or prohibited weapon  
4 listed in Section 46.05(a) is used in the event;

5 (9) on the premises of a correctional facility;

6 (10) on the premises of a civil commitment facility;

7 (11) on the premises of a hospital licensed under  
8 Chapter 241, Health and Safety Code, or on the premises of a nursing  
9 facility licensed under Chapter 242, Health and Safety Code, unless  
10 the person has written authorization of the hospital or nursing  
11 facility administration, as appropriate;

12 (12) on the premises of a mental hospital, as defined  
13 by Section 571.003, Health and Safety Code, unless the person has  
14 written authorization of the mental hospital administration;

15 (13) in an amusement park; or

16 (14) in the room or rooms where a meeting of a  
17 governmental entity is held, if the meeting is an open meeting  
18 subject to Chapter 551, Government Code, and if the entity provided  
19 notice as required by that chapter.

20 (a-2) Notwithstanding Section 46.02(a-5), a license holder  
21 commits an offense if the license holder carries a partially or  
22 wholly visible handgun, regardless of whether the handgun is  
23 holstered, on or about the license holder's person under the  
24 authority of Subchapter H, Chapter 411, Government Code, and  
25 intentionally or knowingly displays the handgun in plain view of  
26 another person:

27 (1) on the premises of an institution of higher

1 education or private or independent institution of higher  
2 education; or

3 (2) on any public or private driveway, street,  
4 sidewalk or walkway, parking lot, parking garage, or other parking  
5 area of an institution of higher education or private or  
6 independent institution of higher education.

7 (a-3) Notwithstanding Subsection (a) or Section 46.02(a-5),  
8 a license holder commits an offense if the license holder carries a  
9 handgun on the campus of a private or independent institution of  
10 higher education in this state that has established rules,  
11 regulations, or other provisions prohibiting license holders from  
12 carrying handguns pursuant to Section 411.2031(e), Government  
13 Code, or on the grounds or building on which an activity sponsored  
14 by such an institution is being conducted, or in a passenger  
15 transportation vehicle of such an institution, regardless of  
16 whether the handgun is concealed, provided the institution gives  
17 effective notice under Section 30.06.

18 (a-4) Notwithstanding Subsection (a) or Section 46.02(a-5),  
19 a license holder commits an offense if the license holder  
20 intentionally carries a concealed handgun on a portion of a  
21 premises located on the campus of an institution of higher  
22 education in this state on which the carrying of a concealed handgun  
23 is prohibited by rules, regulations, or other provisions  
24 established under Section 411.2031(d-1), Government Code, provided  
25 the institution gives effective notice under Section 30.06 with  
26 respect to that portion.

27 (c) In this section:

1           (1) "Amusement park" means a permanent indoor or  
2 outdoor facility or park where amusement rides are available for  
3 use by the public that is located in a county with a population of  
4 more than one million, encompasses at least 75 acres in surface  
5 area, is enclosed with access only through controlled entries, is  
6 open for operation more than 120 days in each calendar year, and has  
7 security guards on the premises at all times. The term does not  
8 include any public or private driveway, street, sidewalk or  
9 walkway, parking lot, parking garage, or other parking area.

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

13           (3) "License holder" means a person licensed to carry  
14 a handgun under Subchapter H, Chapter 411, Government Code.

15           (4) "Premises" means a building or a portion of a  
16 building. The term does not include any public or private driveway,  
17 street, sidewalk or walkway, parking lot, parking garage, or other  
18 parking area.

19           (5) [~~(2)~~] ~~"Amusement park" and "premises" have the~~  
20 ~~meanings assigned by Section 46.035.~~

21           [~~(3)~~] "Secured area" means an area of an airport  
22 terminal building to which access is controlled by the inspection  
23 of persons and property under federal law.

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

26           (1) possessed, at the screening checkpoint for the  
27 secured area, a [~~concealed~~] handgun that the actor was licensed to

1 carry under Subchapter H, Chapter 411, Government Code; and

2 (2) exited the screening checkpoint for the secured  
3 area immediately upon completion of the required screening  
4 processes and notification that the actor possessed the handgun.

5 (e-2) A peace officer investigating conduct that may  
6 constitute an offense under Subsection (a)(5) and that consists  
7 only of an actor's possession of a ~~[concealed]~~ handgun that the  
8 actor is licensed to carry under Subchapter H, Chapter 411,  
9 Government Code, may not arrest the actor for the offense unless:

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

13 (2) the actor does not immediately exit the checkpoint  
14 upon completion of the required screening processes.

15 (g) Except as provided by Subsections ~~[Subsection]~~ (g-1)  
16 and (g-2), an offense under this section is a felony of the third  
17 degree.

18 (g-2) An offense committed under Subsection (a)(8),  
19 (a)(10), (a)(11), (a)(13), (a-2), (a-3), or (a-4) is a Class A  
20 misdemeanor.

21 SECTION 24. Section 46.04, Penal Code, is amended by adding  
22 Subsection (a-1) and amending Subsection (e) to read as follows:

23 (a-1) A person who is a member of a criminal street gang, as  
24 defined by Section 71.01, commits an offense if the person  
25 intentionally, knowingly, or recklessly carries on or about his or  
26 her person a handgun in a motor vehicle or watercraft.

27 (e) An offense under Subsection (a) is a felony of the third

1 degree. An offense under Subsection (a-1), (b), or (c) is a Class A  
2 misdemeanor.

3 SECTION 25. Section 46.15, Penal Code, is amended by  
4 amending Subsections (b) and (l) and adding Subsection (m) to read  
5 as follows:

6 (b) Sections [Section] 46.02, 46.03(a)(14), and 46.04(a-1)  
7 do [does] not apply to a person who:

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

12 (2) is traveling;

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

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

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

27 (A) is engaged in the performance of the person's



1 duties as a personal protection officer under Chapter 1702,  
2 Occupations Code, or is traveling to or from the person's place of  
3 assignment; and

4 (B) is either:

5 (i) wearing the uniform of a security  
6 officer, including any uniform or apparel described by Section  
7 1702.323(d), Occupations Code, and carrying the officer's weapon in  
8 plain view; or

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

11 (6) is carrying:

12 (A) a license issued under Subchapter H, Chapter  
13 411, Government Code, to carry a handgun; and

14 (B) a handgun:

15 (i) in a concealed manner; or

16 (ii) in a ~~[shoulder or belt]~~ holster;

17 (7) holds an alcoholic beverage permit or license or  
18 is an employee of a holder of an alcoholic beverage permit or  
19 license if the person is supervising the operation of the permitted  
20 or licensed premises; or

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

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

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

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

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

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

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

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

18           (m) Section 46.03 does not apply to a person unless the  
19 person:

20           (1) personally received from the owner of the property  
21 or another person with apparent authority to act for the owner  
22 notice that carrying a weapon on the property was prohibited, as  
23 given through:

24                   (A) oral or written communication; or

25                   (B) if the person is unable to reasonably  
26 understand the communication described by Paragraph (A), other  
27 personal notice that is reasonable under the circumstances; and

1           (2) subsequently failed to depart.

2           SECTION 26. The following provisions are repealed:

- 3           (1) Section 11.041, Alcoholic Beverage Code;
- 4           (2) Section 11.61(e), Alcoholic Beverage Code;
- 5           (3) Section 61.11, Alcoholic Beverage Code;
- 6           (4) Section 61.71(f), Alcoholic Beverage Code;
- 7           (5) Section 411.198(b), Government Code;
- 8           (6) Section 411.204(d), Government Code;
- 9           (7) Section 411.206(c), Government Code;
- 10          (8) Section 46.02(c), Penal Code;
- 11          (9) Section 46.03(a-1), Penal Code; and
- 12          (10) Section 46.035, Penal Code.

13          SECTION 27. Notwithstanding Section 411.02096, Government  
14 Code, as added by this Act, the Department of Public Safety is not  
15 required to submit the initial report required by that section  
16 before February 1, 2023.

17          SECTION 28. The changes in law made by this Act apply only  
18 to an offense committed on or after the effective date of this Act.  
19 An offense committed before the effective date of this Act is  
20 governed by the law in effect on the date the offense was committed,  
21 and the former law is continued in effect for that purpose. For  
22 purposes of this section, an offense was committed before the  
23 effective date of this Act if any element of the offense occurred  
24 before that date.

25          SECTION 29. This Act takes effect September 1, 2021.