

By: Hefner

H.B. No. 2900

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; making
6 conforming changes.

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

8 ARTICLE 1. SHORT TITLE

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

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

12 CRIMINAL PENALTIES

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

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

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

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

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

23 (a) A person commits an offense if the person intentionally,
24 knowingly, or recklessly possesses or goes with a firearm,

1 location-restricted knife, club, or prohibited weapon listed in
2 Section 46.05(a):

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

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

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

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

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

25 (4) on the premises of a racetrack;

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

27 (6) within 1,000 feet of premises the location of

1 which is designated by the Texas Department of Criminal Justice as a
2 place of execution under Article 43.19, Code of Criminal Procedure,
3 on a day that a sentence of death is set to be imposed on the
4 designated premises and the person received notice that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (a) A person [~~license holder~~] commits an offense if the
27 person [~~license holder~~] carries a handgun [~~on or about the license~~

1 ~~holder's person under the authority of Subchapter H, Chapter 411,~~
2 ~~Government Code,~~] and intentionally displays the handgun in plain
3 view of another person in a public place. It is an exception to the
4 application of this subsection that the handgun was partially or
5 wholly visible but was carried in a [~~shoulder or belt~~] holster [~~by~~
6 ~~the license holder~~].

7 (a-2) Notwithstanding Subsection (a) or Section 46.03(a), a
8 person [~~license holder~~] commits an offense if the person [~~license~~
9 ~~holder~~] carries a handgun on the campus of a private or independent
10 institution of higher education in this state that has established
11 rules, regulations, or other provisions prohibiting a person
12 [~~license holders~~] from carrying a handgun under [~~handguns pursuant~~
13 ~~to~~] Section 51.992(h), Education [~~411.2031(e), Government~~] Code,
14 or on the grounds or building on which an activity sponsored by the
15 [~~such an~~] institution is being conducted, or in a passenger
16 transportation vehicle of the [~~such an~~] institution, regardless of
17 whether the handgun is concealed or carried in a holster, provided
18 the institution gives effective notice under Section 30.06 or
19 30.07, as applicable.

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

1 under Section 30.06 or 30.07, as applicable, with respect to that
2 portion.

3 (b) A person [~~license holder~~] commits an offense if the
4 person [~~license holder~~] intentionally, knowingly, or recklessly
5 carries a handgun [~~under the authority of Subchapter H, Chapter~~
6 ~~411, Government Code~~], regardless of whether the handgun is
7 concealed or carried in a [~~shoulder or belt~~] holster [~~, on or about~~
8 ~~the license holder's person~~]:

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

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

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

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

25 (5) in an amusement park; or

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

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

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

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

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

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

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

23 SECTION 2.07. Section 46.02(a-1), Penal Code, is
24 transferred to Section 46.035, Penal Code, redesignated as Section
25 46.035(d-1), Penal Code, and amended to read as follows:

26 (d-1) [~~(a-1)~~] A person commits an offense if the person
27 intentionally, knowingly, or recklessly carries [~~on or about his or~~

1 ~~her person]~~ a handgun, regardless of whether the handgun is
2 concealed or carried in a holster, [~~in a motor vehicle or watercraft~~
3 ~~that is owned by the person or under the person's control]~~ at any
4 time in which[+]

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

9 [(2)] the person is:

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

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

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

17 SECTION 2.08. 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 2.09. The following provisions are repealed:

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

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

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

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

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

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

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

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

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

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

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

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

3 SECTION 3.03. Section 411.209(a), Government Code, is
4 amended to read as follows:

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

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

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

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

21 (a) In this section:

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

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

26 (A) the Austin State Hospital;

27 (B) the Big Spring State Hospital;

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

9 (2) [~~(3)~~] "Written notice" means a sign that is posted
10 on property and that:

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

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

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

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

25 (c) A person [~~license holder~~] who carries a handgun [~~under~~
26 ~~the authority of Subchapter H, Chapter 411, Government Code,~~] on
27 the property of a state hospital at which written notice is provided

1 is liable for a civil penalty in the amount of:

2 (1) \$100 for the first violation; or

3 (2) \$500 for the second or subsequent violation.

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

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

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

10 (2) the person was carrying[+]

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

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

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

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

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

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

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

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

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

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

3 (c) In this section:

4 (1) "Entry" has the meaning assigned by Section
5 30.05(b).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 or

27 (D) carries or stores a handgun in the person's

1 [~~license holder's~~] vehicle located in a parking area provided for
2 residents or guests of the condominium property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (1) openly carries a handgun [~~under the authority of~~
27 ~~Subchapter H, Chapter 411, Government Code,~~] on property of another

1 without effective consent; and

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

4 (c) In this section:

5 (1) "Entry" has the meaning assigned by Section
6 30.05(b).

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

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

10 (A) a card or other document on which is written
11 language identical to the following: "Pursuant to Section 30.07,
12 Penal Code (trespass by person [~~license holder~~] with [~~an~~] openly
13 carried handgun), a person [~~licensed under Subchapter H, Chapter~~
14 ~~411, Government Code (handgun licensing law),~~] may not enter this
15 property with a handgun that is carried openly"; or

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

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

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

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

23 (d) An offense under this section is a Class C misdemeanor
24 punishable by a fine not to exceed \$200, except that the offense is
25 a Class A misdemeanor if it is shown on the trial of the offense
26 that, after entering the property, the person [~~license holder~~] was
27 personally given the notice by oral communication described by

1 Subsection (b) and subsequently failed to depart.

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

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

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

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

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

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

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

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

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

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

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 residents or guests of the condominium property;

27 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 residents or guests of the condominium property.

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

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

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

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

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

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

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

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

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

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

27 (A) carries or stores a handgun in the tenant's

1 manufactured home;

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

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

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

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

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

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

20 SECTION 3.11. The following provisions are repealed:

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

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

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

26 ARTICLE 4. LOCAL REGULATION OF HANDGUNS OR OTHER FIREARMS

27 SECTION 4.01. Section 191.010(a), Local Government Code, is

1 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (6) regulate the carrying of an air gun or [~~a~~] firearm,

1 ~~[or air gun by a person]~~ other than a ~~[person licensed to carry a]~~
2 handgun carried by a person not otherwise prohibited by state or
3 federal law from possessing a firearm ~~[under Subchapter H, Chapter~~
4 ~~411, Government Code]~~, at a:

5 (A) ~~[public park,~~

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

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

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

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

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

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

23 (A) public property; or

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

26 (10) except as provided by Subsection (d-1), regulate
27 or prohibit an employee's carrying or possession of a firearm,

1 firearm accessory, or ammunition in the course of the employee's
2 official duties.

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

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

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

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

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

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

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

23 ARTICLE 5. INTERACTION WITH LAW ENFORCEMENT WHILE CARRYING HANDGUN

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

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

27 SECTION 5.02. Sections 411.206(a) and (c), Government Code,

1 are amended to read as follows:

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

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

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

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

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

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

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

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

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

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

1 a clearly visible and conspicuous manner.

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

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

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

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

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

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

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

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

3 (a) Section 52.061 does not:

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

11 (2) apply to:

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

17 (B) a school district;

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

20 (D) a private school, as defined by Section
21 22.081, Education Code;

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

26 (F) property owned or leased by a chemical
27 manufacturer or oil and gas refiner with an air authorization under

1 Chapter 382, Health and Safety Code, and on which the primary
2 business conducted is the manufacture, use, storage, or
3 transportation of hazardous, combustible, or explosive materials,
4 except in regard to an employee who is not otherwise prohibited by
5 state or federal law from possessing a firearm or ammunition [~~holds~~
6 ~~a license to carry a handgun under Subchapter H, Chapter 411,~~
7 ~~Government Code,~~] and [~~who~~] stores the [~~a~~] firearm or ammunition
8 [~~the employee is authorized by law to possess~~] in a locked,
9 privately owned motor vehicle in a parking lot, parking garage, or
10 other parking area the employer provides for employees that is
11 outside of a secured and restricted area:

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

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

19 SECTION 7.01. Chapter 51, Education Code, is amended by
20 adding Subchapter Z-1, and a heading is added to that subchapter to
21 read as follows:

22 SUBCHAPTER Z-1. MISCELLANEOUS PROVISIONS RELATING TO FIREARMS

23 SECTION 7.02. Sections 411.2031 and 411.2032, Government
24 Code, are transferred to Subchapter Z-1, Chapter 51, Education
25 Code, as added by this Act, redesignated as Sections 51.991,
26 51.992, and 51.993, Education Code, and amended to read as follows:

27 Sec. 51.991. DEFINITIONS [~~411.2031. CARRYING OF HANDGUNS~~

1 ~~BY LICENSE HOLDERS ON CERTAIN CAMPUSES~~. [~~a~~] For purposes of
2 this subchapter [~~section~~]:

3 (1) "Campus" means all land and buildings owned or
4 leased by an institution of higher education or private or
5 independent institution of higher education.

6 (2) "Institution of higher education" and "private or
7 independent institution of higher education" have the meanings
8 assigned by Section 61.003 [~~Education Code~~].

9 (3) "Premises" has the meaning assigned by Section
10 46.035, Penal Code.

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

18 (b) [~~c~~] Except as provided by Subsection (c), (d),
19 [~~d-1~~], or (h) [~~e~~], an institution of higher education or
20 private or independent institution of higher education in this
21 state may not adopt any rule, regulation, or other provision
22 prohibiting a person who is not otherwise prohibited by law from
23 possessing a firearm [~~license holders~~] from carrying a handgun
24 [~~handguns~~] on the campus of the institution.

25 (c) [~~d~~] An institution of higher education or private or
26 independent institution of higher education in this state may
27 establish rules, regulations, or other provisions concerning the

1 storage of handguns in dormitories or other residential facilities
2 that are owned or leased and operated by the institution and located
3 on the campus of the institution.

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

26 (e) [~~(d-2)~~] Not later than the 90th day after the date that
27 the rules, regulations, or other provisions are established as

1 described by Subsection (d) [~~(d-1)~~], the board of regents or other
2 governing board of the institution of higher education shall review
3 the provisions. The board of regents or other governing board may,
4 by a vote of not less than two-thirds of the board, amend wholly or
5 partly the provisions established under Subsection (d) [~~(d-1)~~]. If
6 amended under this subsection, the provisions are considered to be
7 those of the institution as established under Subsection (d)
8 [~~(d-1)~~].

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

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

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

22 (2) explains the reasons the institution has
23 established those provisions.

24 (h) [~~(e)~~] A private or independent institution of higher
25 education in this state, after consulting with students, staff, and
26 faculty of the institution, may establish rules, regulations, or
27 other provisions prohibiting a person, including a person who is

1 not otherwise prohibited by law from possessing a firearm, [license
2 ~~holders]~~ from carrying a handgun [~~handguns~~] on the campus of the
3 institution, any grounds or building on which an activity sponsored
4 by the institution is being conducted, or a passenger
5 transportation vehicle owned by the institution.

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

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

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

15 [~~(b)~~] An institution of higher education or private or
16 independent institution of higher education in this state may not
17 adopt or enforce any rule, regulation, or other provision or take
18 any other action, including posting notice under Section 30.06 or
19 30.07, Penal Code, prohibiting or placing restrictions on the
20 storage or transportation of a firearm or ammunition in a locked,
21 privately owned or leased motor vehicle by a person, including a
22 student enrolled at that institution, who is not otherwise
23 prohibited by law from possessing [~~holds a license to carry a~~
24 ~~handgun under this subchapter and lawfully possesses]~~ the firearm
25 or ammunition:

26 (1) on a street or driveway located on the campus of
27 the institution; or

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

3 SECTION 7.03. Subchapter Z-1, Chapter 51, Education Code,
4 as added by this Act, is amended by adding Section 51.994 to read as
5 follows:

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

19 (b) The immunities granted under Subsection (a) do not apply
20 to:

21 (1) an act or a failure to act by an institution of
22 higher education, an officer or employee of an institution of
23 higher education, a private or independent institution of higher
24 education that has not adopted rules under Section 51.992(h), or an
25 officer or employee of a private or independent institution of
26 higher education that has not adopted rules under Section 51.992(h)
27 if the act or failure to act was capricious or arbitrary; or

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

7 SECTION 7.04. Sections 411.208(a), (b), and (d), Government
8 Code, are amended to read as follows:

9 (a) A court may not hold the state, an agency or subdivision
10 of the state, an officer or employee of the state, [~~an institution~~
11 ~~of higher education, an officer or employee of an institution of~~
12 ~~higher education, a private or independent institution of higher~~
13 ~~education that has not adopted rules under Section 411.2031(e), an~~
14 ~~officer or employee of a private or independent institution of~~
15 ~~higher education that has not adopted rules under Section~~
16 ~~411.2031(e),]~~ a peace officer, a qualified handgun instructor, or
17 an approved online course provider liable for damages caused by:

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

20 (2) the actions of an applicant or license holder that
21 occur after the applicant has received a license or been denied a
22 license under this subchapter.

23 (b) A cause of action in damages may not be brought against
24 the state, an agency or subdivision of the state, an officer or
25 employee of the state, [~~an institution of higher education, an~~
26 ~~officer or employee of an institution of higher education, a~~
27 ~~private or independent institution of higher education that has not~~

1 ~~adopted rules under Section 411.2031(e), an officer or employee of~~
2 ~~a private or independent institution of higher education that has~~
3 ~~not adopted rules under Section 411.2031(e),]~~ a peace officer, a
4 qualified handgun instructor, or an approved online course provider
5 for any damage caused by the actions of an applicant or license
6 holder under this subchapter.

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

9 [~~(1)~~] an act or a failure to act by the state, an
10 agency or subdivision of the state, an officer of the state, [~~an~~
11 ~~institution of higher education, an officer or employee of an~~
12 ~~institution of higher education, a private or independent~~
13 ~~institution of higher education that has not adopted rules under~~
14 ~~Section 411.2031(e), an officer or employee of a private or~~
15 ~~independent institution of higher education that has not adopted~~
16 ~~rules under Section 411.2031(e),]~~ or a peace officer if the act or
17 failure to act was capricious or arbitrary[~~, or~~

18 [~~(2)~~ ~~any officer or employee of an institution of~~
19 ~~higher education or private or independent institution of higher~~
20 ~~education described by Subdivision (1) who possesses a handgun on~~
21 ~~the campus of that institution and whose conduct with regard to the~~
22 ~~handgun is made the basis of a claim for personal injury or property~~
23 ~~damage].~~

24 SECTION 7.05. Section 411.208(f), Government Code, is
25 repealed.

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

2 PARKING AREA

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

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

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

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

20 ARTICLE 9. CONFORMING CHANGES

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

23 CHAPTER 507. LICENSE TO CARRY [~~CONCEALED~~] HANDGUN [~~LICENSES~~] AS

24 VALID FORM [~~FORMS~~] OF PERSONAL IDENTIFICATION

25 Sec. 507.001. [~~CONCEALED HANDGUN~~] LICENSE TO CARRY HANDGUN
26 AS VALID PROOF OF IDENTIFICATION. (a) A person may not deny the
27 holder of a [~~concealed~~] handgun license issued under Subchapter H,

1 Chapter 411, Government Code, access to goods, services, or
2 facilities, except as provided by Section 521.460, Transportation
3 Code, or in regard to the operation of a motor vehicle, because the
4 holder has or presents a ~~[concealed]~~ handgun license rather than a
5 driver's license or other acceptable form of personal
6 identification.

7 (b) This section does not affect~~+~~

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

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

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

17 Sec. 95A.0001. EVIDENCE OF FAILURE TO FORBID HANDGUNS. The
18 fact that a card, sign, or other document described by Section
19 30.06(c)(2) ~~[30.06(c)(3)]~~ or 30.07(c)(2) ~~[30.07(c)(3)]~~, Penal
20 Code, is not posted on the property of a business or any other
21 evidence that a person failed to exercise the person's option to
22 forbid the carrying of a handgun ~~[by a license holder]~~ on the
23 property:

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (8) commercial manufacture, commercial distribution,

1 or commercial exhibition of obscene material as prohibited by the
2 Penal Code;

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

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

7 (11) aggravated sexual assault as described by Section
8 22.021, Penal Code;

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

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

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

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

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

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

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

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

25 (20) trafficking of persons as described by Section
26 20A.02, Penal Code;

27 (21) sexual conduct or performance by a child as

1 described by Section 43.25, Penal Code;

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (C) an alcoholic beverage, as defined by Section
7 1.04, Alcoholic Beverage Code.

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

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

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

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

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

24 (B) arson under Section 28.02, Penal Code;

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

1 capital murder;

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

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

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

8 (G) manslaughter under Section 19.04, Penal
9 Code;

10 (H) criminally negligent homicide under Section
11 19.05, Penal Code; or

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

14 (3) engages in conduct specified by Section
15 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

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

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

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

22 (2) suspension or revocation of the employee's license
23 to carry a ~~concealed~~ handgun issued under Subchapter H, Chapter
24 411, Government Code;

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

27 (4) notice from the governing board of the public

1 junior college that the employee's services as school marshal are
2 no longer required.

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

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

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

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

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

16 (c) In adopting the form of the license under Subsection
17 (a), the department shall establish a procedure for the license of a
18 qualified handgun instructor or of the attorney general or a judge,
19 justice, United States attorney, assistant United States attorney,
20 assistant attorney general, prosecuting attorney, or assistant
21 prosecuting attorney, as described by Section 46.15(a)(4), (6),
22 ~~[or]~~ (7), or (11), Penal Code, to indicate on the license the
23 license holder's status as a qualified handgun instructor or as the
24 attorney general or a judge, justice, United States attorney,
25 assistant United States attorney, assistant attorney general,
26 prosecuting [district] attorney, or assistant prosecuting
27 ~~[criminal district] attorney[, or county attorney]~~. In

1 establishing the procedure, the department shall require
2 sufficient documentary evidence to establish the license holder's
3 status under this subsection.

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

6 (c) In the manner applicable to a person who applies for a
7 license to carry a handgun, the department shall conduct a
8 background check of a person who applies for certification as a
9 qualified handgun instructor or approved online course provider.
10 If the background check indicates that the applicant for
11 certification would not qualify to receive a handgun license, the
12 department may not certify the applicant as a qualified handgun
13 instructor or approved online course provider. If the background
14 check indicates that the applicant for certification would qualify
15 to receive a handgun license, the department shall provide handgun
16 instructor or online course provider training to the applicant.
17 The applicant shall pay a fee of \$100 to the department for the
18 training. The applicant must take and successfully complete the
19 training offered by the department and pay the training fee before
20 the department may certify the applicant as a qualified handgun
21 instructor or approved online course provider. The department
22 shall issue a license to carry a handgun under [~~the authority of~~]
23 this subchapter to any person who is certified as a qualified
24 handgun instructor or approved online course provider and who pays
25 to the department a fee of \$40 in addition to the training fee. The
26 department by rule may prorate or waive the training fee for an
27 employee of another governmental entity.

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

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

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

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

15 (1) has not been convicted of a felony;

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

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

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

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

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

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

1 subchapter; or

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

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

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

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

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

24 (2) an applicant for or holder of a license to carry a
25 handgun under [~~the authority of~~] Subchapter H, Chapter 411,
26 Government Code, or an applicant for or holder of a commission as a
27 security officer under Chapter 1702, Occupations Code, is capable

1 of exercising sound judgment with respect to the proper use and
2 storage of a handgun.

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

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

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

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

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

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

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

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

25 (1) [~~or~~

26 [~~(B) traveling to or from the place of~~
27 ~~assignment,~~

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

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

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

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

9 (1) is ~~[either:~~

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

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

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

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

23 (d) Section 62.081 does not apply to:

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

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

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

1 (4) a person who:

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

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

9 (e) A state agency, including the department, the
10 Department of Public Safety, and the Lower Colorado River
11 Authority, may not adopt a rule that prohibits a person who is not
12 otherwise prohibited by state or federal law from possessing a
13 firearm [~~possesses a license issued under Subchapter H, Chapter~~
14 ~~411, Government Code,~~] from entering or crossing the land of the
15 Lower Colorado River Authority while:

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

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

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

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

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

27 (e) This section does not limit a person's [~~the~~] ability [~~of~~

1 ~~a license holder]~~ to carry a [~~concealed~~] handgun [~~under the~~
2 ~~authority of Subchapter H, Chapter 411, Government Code~~].

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

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

6 (1) in response to verbal provocation alone;

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

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

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

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

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

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

24 (A) carrying a weapon in violation of Section
25 46.02 or a firearm in violation of Section 46.03 or 46.035; or

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

1 ARTICLE 10. TRANSITIONS; EFFECTIVE DATE

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

6 SECTION 10.02. The changes in law made by this Act apply
7 only to an offense committed on or after the effective date of this
8 Act. An offense committed before the effective date of this Act is
9 governed by the law in effect when the offense was committed, and
10 the former law is continued in effect for that purpose. For
11 purposes of this section, an offense was committed before the
12 effective date of this Act if any element of the offense occurred
13 before that date.

14 SECTION 10.03. This Act takes effect September 1, 2021.