

By: Hall

S.B. No. 514

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the carrying of concealed handguns by handgun license  
3 holders on the campus of a school district or open-enrollment  
4 charter school.

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

6 SECTION 1. Subchapter C, Chapter 37, Education Code, is  
7 amended by adding Section 37.0817 to read as follows:

8 Sec. 37.0817. CARRYING OF HANDGUNS BY SCHOOL EMPLOYEES.

9 (a) For purposes of this section, "premises" has the meaning  
10 assigned by Section 46.035, Penal Code.

11 (b) Except as provided by Sections 37.0811(c) and (d), the  
12 board of trustees of a school district or the governing body of an  
13 open-enrollment charter school may not adopt any rule, regulation,  
14 or other provision prohibiting or restricting a district or school  
15 employee, while performing job duties on the premises of a district  
16 or school, from carrying in a concealed manner a handgun that the  
17 employee is licensed to carry under Subchapter H, Chapter 411,  
18 Government Code.

19 SECTION 2. The heading to Section 411.2031, Government  
20 Code, is amended to read as follows:

21 Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON  
22 CERTAIN HIGHER EDUCATION CAMPUSES.

23 SECTION 3. Section 411.2032(a), Government Code, is amended  
24 by amending Subdivision (1) and adding Subdivision (3) to read as

1 follows:

2 (1) "Campus" means all land and buildings owned or  
3 leased by a school district, open-enrollment charter school, [an]  
4 institution of higher education, or private or independent  
5 institution of higher education.

6 (3) "Open-enrollment charter school" and "school  
7 district" have the meanings assigned by Section 411.2033.

8 SECTION 4. Section 411.2032(b), Government Code, is amended  
9 to read as follows:

10 (b) A school district, open-enrollment charter school, [An]  
11 institution of higher education, or private or independent  
12 institution of higher education in this state may not adopt or  
13 enforce any rule, regulation, or other provision or take any other  
14 action, including posting notice under Section 30.06 or 30.07,  
15 Penal Code, prohibiting or placing restrictions on the storage or  
16 transportation of a firearm or ammunition in a locked, privately  
17 owned or leased motor vehicle by a person, including a student or  
18 employee [~~enrolled at that institution~~], who holds a license to  
19 carry a handgun under this subchapter and lawfully possesses the  
20 firearm or ammunition:

21 (1) on a street or driveway located on the campus of  
22 the district, school, or institution; or

23 (2) in a parking lot, parking garage, or other parking  
24 area located on the campus of the district, school, or institution.

25 SECTION 5. Subchapter H, Chapter 411, Government Code, is  
26 amended by adding Section 411.2033 to read as follows:

27 Sec. 411.2033. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON

1 PUBLIC SCHOOL CAMPUSES. (a) For purposes of this section:

2 (1) "Campus" means all land and buildings owned or  
3 leased by a school district or open-enrollment charter school.

4 (2) "Open-enrollment charter school" means a school  
5 that has been granted a charter under Subchapter D, Chapter 12,  
6 Education Code.

7 (3) "School district" means any public school district  
8 in this state.

9 (b) A license holder may carry a concealed handgun on or  
10 about the license holder's person while the license holder is on the  
11 campus of a school district or open-enrollment charter school in  
12 this state.

13 (c) A school district or open-enrollment charter school in  
14 this state may not adopt any rule, regulation, or other provision  
15 prohibiting license holders from carrying handguns on a campus of  
16 the district or school.

17 SECTION 6. Sections 411.208(a), (b), and (d), Government  
18 Code, are amended to read as follows:

19 (a) A court may not hold the state, an agency or subdivision  
20 of the state, an officer or employee of the state, a school district  
21 or open-enrollment charter school, an officer or employee of a  
22 school district or open-enrollment charter school, an institution  
23 of higher education, an officer or employee of an institution of  
24 higher education, a private or independent institution of higher  
25 education that has not adopted rules under Section 411.2031(e), an  
26 officer or employee of a private or independent institution of  
27 higher education that has not adopted rules under Section

1 411.2031(e), a peace officer, a qualified handgun instructor, or an  
2 approved online course provider liable for damages caused by:

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

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

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

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

23 (1) an act or a failure to act by the state, an agency  
24 or subdivision of the state, an officer of the state, a school  
25 district or open-enrollment charter school, an officer or employee  
26 of a school district or open-enrollment charter school, an  
27 institution of higher education, an officer or employee of an

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

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

14 SECTION 7. Section 411.208(f), Government Code, is amended  
15 by amending Subdivision (1) and adding Subdivision (3) to read as  
16 follows:

17 (1) "Campus" means all land and buildings owned or  
18 leased by a school district, open-enrollment charter school,  
19 institution of higher education, or private or independent  
20 institution of higher education [~~has the meaning assigned by~~  
21 ~~Section 411.2031~~].

22 (3) "Open-enrollment charter school" and "school  
23 district" have the meanings assigned by Section 411.2033.

24 SECTION 8. Section 46.03(a), Penal Code, is amended to read  
25 as follows:

26 (a) A person commits an offense if the person intentionally,  
27 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 possesses or goes with a concealed  
12 handgun that the person is licensed to carry under Subchapter H,  
13 Chapter 411, Government Code, and no other weapon to which this  
14 section applies, on the premises of a school district,  
15 open-enrollment charter school, ~~[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 district, school, or institution is being  
19 conducted, or in a passenger transportation vehicle of the  
20 institution;

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

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

26 (4) on the premises of a racetrack;

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

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

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

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

10          SECTION 9. Section 46.03(c), Penal Code, is amended by  
11 adding Subdivisions (4) and (5) to read as follows:

12           (4) "Open-enrollment charter school" means a school  
13 that has been granted a charter under Subchapter D, Chapter 12,  
14 Education Code.

15           (5) "School district" means any public school district  
16 in this state.

17          SECTION 10. Section 46.035(a-1), Penal Code, as added by  
18 Chapter 438 (S.B. 11), Acts of the 84th Legislature, Regular  
19 Session, 2015, is amended to read as follows:

20           (a-1) Notwithstanding Subsection (a), 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 a school district,

1 open-enrollment charter school, [~~an~~] institution of higher  
2 education, or private or independent institution of higher  
3 education; or

4 (2) on any public or private driveway, street,  
5 sidewalk or walkway, parking lot, parking garage, or other parking  
6 area of a school district, open-enrollment charter school, [~~an~~]  
7 institution of higher education, or private or independent  
8 institution of higher education.

9 SECTION 11. Section 46.035(f), Penal Code, is amended by  
10 adding Subdivisions (2-a) and (4) to read as follows:

11 (2-a) "Open-enrollment charter school" means a school  
12 that has been granted a charter under Subchapter D, Chapter 12,  
13 Education Code.

14 (4) "School district" means any public school district  
15 in this state.

16 SECTION 12. The following provisions are repealed:

17 (1) Section 37.0815, Education Code; and

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

21 SECTION 13. Section 411.208, Government Code, as amended by  
22 this Act, applies only to a cause of action that accrues on or after  
23 the effective date of this Act. A cause of action that accrues  
24 before the effective date of this Act is governed by the law in  
25 effect immediately before that date, and that law is continued in  
26 effect for that purpose.

27 SECTION 14. The change in law made by this Act applies only



1 to an offense committed on or after the effective date of this Act.  
2 An offense committed before the effective date of this Act is  
3 governed by the law in effect on the date the offense was committed,  
4 and the former law is continued in effect for that purpose. For  
5 purposes of this section, an offense was committed before the  
6 effective date of this Act if any element of the offense occurred  
7 before that date.

8 SECTION 15. This Act takes effect August 1, 2022.