

By: Hughes

S.B. No. 637

A BILL TO BE ENTITLED

1 AN ACT
2 relating to carrying and storing a firearm or firearm ammunition by
3 a hotel guest.

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

5 SECTION 1. The heading to Subchapter C, Chapter 2155,
6 Occupations Code, is amended to read as follows:

7 SUBCHAPTER C. FIREARMS POLICY [~~NOTICE~~]

8 SECTION 2. Section 2155.101, Occupations Code, is amended
9 to read as follows:

10 Sec. 2155.101. DEFINITIONS [~~DEFINITION~~]. In this
11 subchapter:

12 (1) "Hotel" means a hotel, motel, inn, or similar
13 business entity that offers more than 10 rooms to the public for
14 temporary lodging for a fee [~~,"hotel" has the meaning assigned by~~
15 ~~Section 156.001, Tax Code~~].

16 (2) "License holder" has the meaning assigned by
17 Section 46.035, Penal Code.

18 SECTION 3. Subchapter C, Chapter 2155, Occupations Code, is
19 amended by adding Section 2155.1025 to read as follows:

20 Sec. 2155.1025. FIREARMS POLICY. (a) Unless possession of
21 a handgun or other firearm or ammunition on hotel property is
22 prohibited by state or federal law, a hotel may not adopt a policy
23 prohibiting a hotel guest who is a license holder from:

24 (1) carrying or storing a firearm or firearm

1 ammunition in the guest's hotel room;

2 (2) carrying a firearm or firearm ammunition directly
3 en route to or from the hotel or the guest's hotel room;

4 (3) carrying a firearm or firearm ammunition directly
5 en route to or from the guest's vehicle located on the hotel
6 property, including a vehicle in a parking area provided for hotel
7 guests; or

8 (4) carrying or storing a firearm or firearm
9 ammunition in the guest's vehicle located on the hotel property,
10 including a vehicle in a parking area provided for hotel guests.

11 (b) A hotel may adopt a policy requiring a hotel guest
12 carrying a firearm or firearm ammunition in a common area on the
13 hotel property to:

14 (1) carry a handgun in a concealed manner; or

15 (2) carry a firearm or ammunition in a case or bag.

16 SECTION 4. Section 30.05, Penal Code, is amended by adding
17 Subsection (f-4) to read as follows:

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

20 (1) the conduct occurred on hotel property, and the
21 basis on which entry on that property was forbidden is that entry
22 with a firearm or firearm ammunition was forbidden;

23 (2) the actor:

24 (A) holds a license to carry a handgun under
25 Subchapter H, Chapter 411, Government Code; and

26 (B) is a guest of a hotel, as defined by Section
27 2155.101, Occupations Code; and

1 (3) the actor:

2 (A) carries or stores a firearm or firearm
3 ammunition in the actor's hotel room;

4 (B) carries a firearm or firearm ammunition
5 directly en route to or from the hotel or the actor's hotel room;

6 (C) carries a firearm or firearm ammunition
7 directly en route to or from the actor's vehicle located on the
8 hotel property, including a vehicle in a parking area provided for
9 hotel guests; or

10 (D) carries or stores a firearm or firearm
11 ammunition in the actor's vehicle located on the hotel property,
12 including a vehicle in a parking area provided for hotel guests.

13 SECTION 5. Section [30.06](#), Penal Code, is amended by adding
14 Subsection (e-4) to read as follows:

15 (e-4) It is a defense to prosecution under this section that
16 the license holder is a guest of a hotel, as defined by Section
17 [2155.101](#), Occupations Code, and the license holder:

18 (1) carries or stores a handgun in the license holder's
19 hotel room;

20 (2) carries a handgun directly en route to or from the
21 hotel or the license holder's hotel room;

22 (3) carries a handgun directly en route to or from the
23 license holder's vehicle located on the hotel property, including a
24 vehicle in a parking area provided for hotel guests; or

25 (4) carries or stores a handgun in the license holder's
26 vehicle located on the hotel property, including a vehicle in a
27 parking area provided for hotel guests.

1 SECTION 6. Section 30.07, Penal Code, is amended by adding
2 Subsection (e-4) to read as follows:

3 (e-4) It is a defense to prosecution under this section that
4 the license holder is a guest of a hotel, as defined by Section
5 2155.101, Occupations Code, and the license holder:

6 (1) carries or stores a handgun in the license holder's
7 hotel room;

8 (2) carries a handgun directly en route to or from the
9 hotel or the license holder's hotel room;

10 (3) carries a handgun directly en route to or from the
11 license holder's vehicle located on the hotel property, including a
12 vehicle in a parking area provided for hotel guests; or

13 (4) carries or stores a handgun in the license holder's
14 vehicle located on the hotel property, including a vehicle in a
15 parking area provided for hotel guests.

16 SECTION 7. Sections 30.05, 30.06, and 30.07, Penal Code, as
17 amended by this Act, apply only to an offense committed on or after
18 the effective date of this Act. An offense committed before the
19 effective date of this Act is governed by the law in effect on the
20 date the offense was committed, and the former law is continued in
21 effect for that purpose. For purposes of this section, an offense
22 was committed before the effective date of this Act if any element
23 of the offense occurred before that date.

24 SECTION 8. This Act takes effect September 1, 2021.