

By: Hall

S.B. No. 354

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.0816 to read as follows:

Sec. 37.0816. CARRYING OF HANDGUNS BY SCHOOL EMPLOYEES.

(a) For purposes of this section, "premises" has the meaning assigned by Section 46.03, Penal Code.

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

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

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

SECTION 3. Section 411.2032(a), Government Code, is amended by amending Subdivision (1) and adding Subdivisions (3) and (4) to

1 read as 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" means a school
7 that has been granted a charter under Subchapter D, Chapter 12,
8 Education Code.

9 (4) "School district" means any public school district
10 in this state.

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

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

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

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

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

Sec. 411.2033. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON PUBLIC SCHOOL CAMPUSES. (a) For purposes of this section:

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

(2) "Open-enrollment charter school" and "school district" have the meanings assigned by Section 411.2032.

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

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

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

(a) A court may not hold the state, an agency or subdivision of the state, an officer or employee of the state, a school district or open-enrollment charter school, an officer or employee of a school district or open-enrollment charter school, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), an officer or employee of a private or independent institution of 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)(1), Government Code, is
 15 amended to read as follows:

16 (1) "Campus," "open-enrollment charter school," and
 17 "school district" have ~~["Campus" has]~~ the meanings ~~[meaning]~~
 18 assigned by Section 411.2032 ~~[411.2031]~~.

19 SECTION 8. Sections 46.03(a) and (a-2), Penal Code, are
 20 amended to read as follows:

21 (a) A person commits an offense if the person intentionally,
 22 knowingly, or recklessly possesses or goes with a firearm,
 23 location-restricted knife, club, or prohibited weapon listed in
 24 Section 46.05(a):

25 (1) on the physical premises of a school or
 26 educational institution, any grounds or building on which an
 27 activity sponsored by a school or educational institution is being

1 conducted, or a passenger transportation vehicle of a school or
2 educational institution, whether the school or educational
3 institution is public or private, unless:

4 (A) pursuant to written regulations or written
5 authorization of the institution; or

6 (B) the person possesses or goes with a concealed
7 handgun that the person is licensed to carry under Subchapter H,
8 Chapter 411, Government Code, and no other weapon to which this
9 section applies, on the premises of a school district,
10 open-enrollment charter school, ~~[an]~~ institution of higher
11 education, or private or independent institution of higher
12 education, on any grounds or building on which an activity
13 sponsored by the district, school, or institution is being
14 conducted, or in a passenger transportation vehicle of the
15 institution;

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

18 (3) on the premises of any government court or offices
19 utilized by the court, unless pursuant to written regulations or
20 written authorization of the court;

21 (4) on the premises of a racetrack;

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

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

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

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

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

11 (8) on the premises where a high school, collegiate,
12 or professional sporting event or interscholastic event is taking
13 place, unless the person is a participant in the event and a
14 firearm, location-restricted knife, club, or prohibited weapon
15 listed in Section 46.05(a) is used in the event;

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

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

18 (11) on the premises of a hospital licensed under
19 Chapter 241, Health and Safety Code, or on the premises of a nursing
20 facility licensed under Chapter 242, Health and Safety Code, unless
21 the person has written authorization of the hospital or nursing
22 facility administration, as appropriate;

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

26 (13) in an amusement park; or

27 (14) in the room or rooms where a meeting of a

1 governmental entity is held, if the meeting is an open meeting
2 subject to Chapter 551, Government Code, and if the entity provided
3 notice as required by that chapter.

4 (a-2) Notwithstanding Section 46.02(a-5), a license holder
5 commits an offense if the license holder carries a partially or
6 wholly visible handgun, regardless of whether the handgun is
7 holstered, on or about the license holder's person under the
8 authority of Subchapter H, Chapter 411, Government Code, and
9 intentionally or knowingly displays the handgun in plain view of
10 another person:

11 (1) on the premises of a school district,
12 open-enrollment charter school, ~~[an]~~ institution of higher
13 education, or private or independent institution of higher
14 education; or

15 (2) on any public or private driveway, street,
16 sidewalk or walkway, parking lot, parking garage, or other parking
17 area of a school district, open-enrollment charter school, ~~[an]~~
18 institution of higher education, or private or independent
19 institution of higher education.

20 SECTION 9. Section 46.03(c), Penal Code, is amended by
21 adding Subdivisions (3-a) and (4-a) to read as follows:

22 (3-a) "Open-enrollment charter school" means a school
23 that has been granted a charter under Subchapter D, Chapter 12,
24 Education Code.

25 (4-a) "School district" means any public school
26 district in this state.

27 SECTION 10. Section 37.0815, Education Code, is repealed.

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

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

15 SECTION 13. This Act takes effect September 1, 2023.