**BILL ANALYSIS**

|  |  |
| --- | --- |
| Senate Research Center | S.B. 1065 |
| 89R10115 JSC-D | By: Hall |
|  | State Affairs |
|  | 4/8/2025 |
|  | As Filed |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 2024, the State Fair of Texas implemented a no-gun policy, prohibiting firearms—including those carried by licensed handgun holders—on its fairgrounds. This decision, made in response to a prior shooting incident, initiated legal challenges and debate over whether a private entity operating on public land has the authority to override state laws protecting licensed gun owners' rights. This situation highlights the broader issue of conflicting state firearm policies enforced by private entities on government property, as well as the inconsistent enforcement of Texas law.

Texas law protects the rights of licensed handgun holders to carry firearms in most public spaces, yet contractors using property owned or leased by governmental entities have recently imposed unauthorized restrictions on these rights. This creates confusion and inconsistency in the law, with licensed handgun holders being unfairly prohibited from accessing public spaces where state law otherwise allows them to carry firearms. These restrictions undermine the intent of Texas law, Second Amendment rights, and creates unnecessary barriers for responsible gun owners.

This Bill Would:

* Require that contracts for the use of property owned or leased by governmental entities include provisions prohibiting contractors from restricting licensed handgun holders from carrying firearms, unless otherwise prohibited by state law or Section 46.03 of the Penal Code;
* Impose civil penalties ranging from $1,000 to $10,500 per violation on contractors who unlawfully restrict handgun holders from entering or remaining on the property;
* Allow residents or licensed handgun holders to file complaints against contractors violating these provisions, requiring written notice to the contractor and a three-day window to cure the violation;
* Authorize the Attorney General to investigate complaints, issue penalties, and seek legal relief, with penalties deposited into the compensation to victims of crime fund; and
* Require that contracts that are renewed, modified, or extended after the law's effective date comply with these requirements, applying the provisions prospectively.

As proposed, S.B. 1065 amends current law relating to a required provision in certain governmental entity contracts regarding the carrying of handguns by license holders and provides civil penalties.

**RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter H, Chapter 411, Government Code, by adding Section 411.2095, as follows:

Sec. 411.2095. VIOLATION OF CONTRACT PROVISION RELATING TO LICENSE HOLDER; CIVIL PENALTY. (a) Defines "governmental entity."

(b) Prohibits a contractor who uses property owned or leased by a governmental entity under a contract containing a condition described by Section 2252.911(b) from taking any action, including an action consisting of the provision of notice by a communication described by Section 30.06 (Trespass by License Holder with a Concealed Handgun) or 30.07 (Trespass by License Holder with an Openly Carried Handgun), Penal Code, that states or implies that a license holder who is carrying a handgun under the authority of Subchapter H (License to Carry a Handgun) is prohibited from entering or remaining on the property or a portion of the property unless license holders are prohibited from carrying a handgun on the property or that portion of the property by Section 46.03 (Place Weapons Prohibited), Penal Code, or other law.

(c) Provides that a contractor that violates Subsection (b) is liable for a civil penalty of not less than $1,000 and not more than $1,500 for the first violation, and not less than $10,000 and not more than $10,500 for the second or subsequent violation.

(d) Provides that each day of a continuing violation of Subsection (b) constitutes a separate violation.

(e) Authorizes a resident of this state or a person licensed to carry a handgun under this subchapter to file a complaint with the attorney general that a contractor is in violation of Subsection (b) if the resident or license holder provides the contractor a written notice that describes the location and general facts of the violation and the contractor does not cure the violation before the end of the third business day after the date of receiving the written notice. Requires that a complaint filed with the attorney general under this subsection include evidence of the violation and a copy of the written notice provided to the contractor.

(f) Requires that a civil penalty collected by the attorney general under this section be deposited to the credit of the compensation to victims of crime fund established under Subchapter J (Funds), Chapter 56B (Crime Victims' Compensation), Code of Criminal Procedure.

(g) Requires the attorney general, before a suit is authorized to be brought against a contractor for a violation of Subsection (b), to investigate the complaint to determine whether legal action is warranted. Requires the attorney general, if legal action is warranted, to give the contractor charged with the violation a written notice that:

(1) describes the violation;

(2) states the amount of the proposed penalty for the violation; and

(3) gives the contractor 15 days from receipt of the notice to cure the violation to avoid the penalty, unless the contractor was found liable by a court for previously violating Subsection (b).

(h) Authorizes the attorney general or the appropriate county or district attorney, if the attorney general determines that legal action is warranted and that the contractor has not cured the violation within the 15-day period provided by Subsection (g)(3), to sue to collect the civil penalty provided by Subsection (c). Authorizes the attorney general to also file a petition for appropriate equitable relief. Authorizes a suit or petition under this subsection to be filed in a district court in Travis County or in a county in which the contractor's principal place of business is located. Authorizes the attorney general to recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

SECTION 2. Amends Subchapter Z, Chapter 2252, Government Code, by adding Section 2252.911, as follows:

Sec. 2252.911. REQUIRED CONTRACT PROVISION RELATING TO HANDGUNS CARRIED BY LICENSE HOLDERS. (a) Defines "governmental entity."

(b) Requires that a contract for the use of property owned or leased by a governmental entity include a certain statement. Sets forth the language required to be included in the statement.

SECTION 3. Severability clause.

SECTION 4. Provides that Section 2252.911, Government Code, as added by this Act, does not apply to a contract entered into before the effective date of this Act, except that if the contract is renewed, modified, or extended on or after the effective date of this Act, Section 2252.911, Government Code, applies to the contract beginning on the date of renewal, modification, or extension.

SECTION 5. Effective date: upon passage or September 1, 2025.