

BILL ANALYSIS

Senate Research Center
89R2340 AMF-D

S.B. 82
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 1997, the 75th Legislature enacted Section 30.06 of the Penal Code, creating a criminal offense for concealed handgun license (CHL) holders who carry on business property without clear consent. This consent is conveyed through a visible sign, known as the "30.06 sign." The law was designed to protect CHL holders from misdemeanor charges by clearly indicating where carrying a weapon is prohibited.

An unintended consequence of the 30.06 sign is that it signals to criminals that individuals in the area are unarmed and vulnerable, effectively creating gun-free zones in public. The right to self-defense, which predates the Constitution and the Second Amendment, is an inherent right to protect oneself and others in the face of danger. When a business owner decides to restrict this ability, they should also assume responsibility and liability for the safety of those affected.

This bill would:

- Add a definition to the Civil Practice and Remedies Code of "license holder" to the definition under Chapter 411 of the Government Code; and
- Create a new liability provision for a person in control of a business for damages arising from a criminal act occurring on the premises when a 30.06 sign is displayed.

As proposed, S.B. 82 amends current law relating to civil liability of a business in connection with prohibiting concealed handguns on the business premises.

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 Chapter 95A, Civil Practice and Remedies Code, by adding Section 95A.0002, as follows:

Sec. 95A.0002. LIABILITY OF BUSINESS IN CONNECTION WITH PROHIBITING HANDGUNS. (a) Defines "license holder."

(b) Provides that a person with control over the premises of a business who prohibits entry on the premises by a license holder with a concealed handgun by posting a sign on the premises as described by Section 30.06 (Trespass by License Holder With a Concealed Handgun), Penal Code, is liable for damages arising from a criminal act occurring on the premises.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.