

BILL ANALYSIS

S.B. 1065
By: Hall
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that Texas law protects the rights of handgun license holders to carry handguns in most public spaces, but contractors using property owned or leased by governmental entities have recently imposed restrictions on these rights. For example, in 2024, the State Fair of Texas implemented a no-gun policy which prohibited firearms, including those carried by licensed handgun holders, on its fairgrounds, as reported by local Dallas news outlets. 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 take such action.

S.B. 1065 addresses this issue by requiring that contracts for the use of property owned or leased by governmental entities include provisions prohibiting contractors from restricting handgun license holders from carrying handguns on the property, unless such license holders are otherwise prohibited from carrying handguns on the property by law. The bill imposes civil penalties ranging from \$1,000 to \$10,500 per violation and allows Texas residents or licensed handgun holders to file complaints against contractors violating these provisions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1065 amends the Government Code to require a contract for the use of property owned or leased by a governmental entity to include a specified statement establishing the following:

- that the contractor, during the contract term, may not in any manner prohibit a handgun license holder who is lawfully carrying a handgun under the authority of the license from entering or remaining on the property or a portion of the property, including a prohibition imposed through the provision of notice by a communication described under Penal Code provisions relating to trespass by a license holder with a concealed or openly carried handgun, unless handgun license holders are prohibited from carrying handguns on the property or that portion of the property under Penal Code provisions relating to places where weapons are prohibited or other law; and
- that each violation of such prohibition may result in a civil penalty of up to \$10,500 and a judgment for the expenses associated with obtaining relief.

This requirement does not apply to a contract entered into before the bill's effective date, except that if the contract is renewed, modified, or extended on or after the bill's effective date, the

requirement applies to the contract beginning on the date of renewal, modification, or extension. The bill defines "governmental entity" for the purposes of this requirement and the bill's other provisions as the following:

- a department, commission, board, office, or other agency that is in the executive or legislative branch of state government and that was created by the constitution or a statute, including a public institution of higher education;
- the supreme court, the court of criminal appeals, a court of appeals, a district court, or the Texas Judicial Council or another agency in the judicial branch of state government; or
- a county, municipality, special-purpose district or authority, or any other political subdivision of the state.

S.B. 1065 prohibits a contractor who uses property owned or leased by a governmental entity under a contract containing a condition described by the bill's provisions from taking any action, including an action consisting of the provision of notice by a communication described under Penal Code provisions relating to trespass by a license holder with a concealed or openly carried handgun, that states or implies that a handgun license holder who is lawfully carrying a handgun under the authority of the license is prohibited from entering or remaining on the property or a portion of the property unless handgun license holders are prohibited from carrying a handgun on the property or that portion of the property under Penal Code provisions relating to places where weapons are prohibited or other law. The bill makes a contractor that violates this prohibition 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 a subsequent violation. Each day of a continuing violation constitutes a separate violation.

S.B. 1065 authorizes a Texas resident or a handgun license holder to file a complaint with the attorney general that a contractor is in violation of such prohibition 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. A complaint filed with the attorney general must include evidence of the violation and a copy of the written notice provided to the contractor. The bill requires a civil penalty collected by the attorney general under the bill's provisions to be deposited to the credit of the compensation to victims of crime fund established under the Crime Victims' Compensation Act.

S.B. 1065 requires the attorney general, before a suit may be brought against a contractor for a violation of the applicable prohibition, to investigate the complaint to determine whether legal action is warranted. If legal action is warranted, the attorney general must give the contractor charged with the violation a written notice that does the following:

- describes the violation;
- states the amount of the proposed penalty for the violation; and
- 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 the prohibition.

S.B. 1065 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, to sue to collect the civil penalty. The bill also authorizes the attorney general to file a petition for appropriate equitable relief. A suit or petition under these provisions may be filed in a district court in Travis County or in a county in which the contractor's principal place of business is located. The bill authorizes the attorney general to recover reasonable expenses incurred in obtaining relief, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

S.B. 1065 establishes that the bill's provisions are severable, and if any bill provision or the application of the provision to any person or circumstance is declared invalid for any reason, the declaration does not affect the validity of the remaining portions of the bill.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.