

By: Schatzline

H.B. No. 4201

A BILL TO BE ENTITLED

AN ACT

relating to the locations where a handgun license holder may carry a handgun.

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

SECTION 1. Section 37.0814(d), Education Code, is amended to read as follows:

(d) The board of trustees of a school district that claims a good cause exception under Subsection (c) must develop an alternative standard with which the district is able to comply, which may include providing a person to act as a security officer who is:

(1) a school marshal; or

(2) a school district employee or a person with whom the district contracts who:

(A) has completed school safety training provided by a qualified handgun instructor certified in school safety under Section 411.1901, Government Code; and

(B) carries a handgun on school premises in accordance with written regulations or written authorization of the district under Section 46.03(a)(1) [~~46.03(a)(1)(A)~~], Penal Code.

SECTION 2. Section 411.209(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsection (i), a state agency or a political subdivision of the state may not take any action,

1 including an action consisting of the provision of notice by a
2 communication described by Section 30.06 or 30.07, Penal Code, that
3 states or implies that a license holder who is carrying a handgun
4 under the authority of this subchapter is prohibited from entering
5 or remaining on a premises or other place owned or leased by the
6 governmental entity unless license holders are prohibited from
7 carrying a handgun on the premises or other place by [~~Section 46.03,~~
8 ~~Penal Code, or~~] other law.

9 SECTION 3. Section 30.06(e), Penal Code, is amended to read
10 as follows:

11 (e) It is an exception to the application of this section
12 that the property on which the license holder carries a handgun is
13 owned or leased by a governmental entity [~~and is not a premises or~~
14 ~~other place on which the license holder is prohibited from carrying~~
15 ~~the handgun under Section 46.03~~].

16 SECTION 4. Section 30.07(e), Penal Code, is amended to read
17 as follows:

18 (e) It is an exception to the application of this section
19 that the property on which the license holder openly carries the
20 handgun is owned or leased by a governmental entity [~~and is not a~~
21 ~~premises or other place on which the license holder is prohibited~~
22 ~~from carrying the handgun under Section 46.03~~].

23 SECTION 5. Sections 46.03(a) and (g-2), Penal Code, are
24 amended to read as follows:

25 (a) A person commits an offense if the person intentionally,
26 knowingly, or recklessly possesses or goes with a firearm,
27 location-restricted knife, club, or prohibited weapon listed in

1 Section 46.05(a):

2 (1) on the premises of a school or postsecondary
3 educational institution, on any grounds or building owned by and
4 under the control of a school or postsecondary educational
5 institution and on which an activity sponsored by the school or
6 institution is being conducted, or in a passenger transportation
7 vehicle of a school or postsecondary educational institution,
8 whether the school or postsecondary educational institution is
9 public or private, unless[+]

10 [~~(A)~~] pursuant to written regulations or written
11 authorization of the school or institution; [~~or~~

12 [~~(B) the person possesses or goes with a
13 concealed handgun that the person is licensed to carry under
14 Subchapter H, Chapter 411, Government Code, and no other weapon to
15 which this section applies, on the premises of a postsecondary
16 educational institution, on any grounds or building owned by and
17 under the control of the institution and on which an activity
18 sponsored by the institution is being conducted, or in a passenger
19 transportation vehicle of the institution,]~~

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

22 (3) on the premises of any government court or offices
23 utilized by the court, unless pursuant to written regulations or
24 written authorization of the court;

25 (4) on the premises of a racetrack;

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

27 (6) within 1,000 feet of premises the location of

1 which is designated by the Texas Department of Criminal Justice as a
2 place of execution under Article 43.19, Code of Criminal Procedure,
3 on a day that a sentence of death is set to be imposed on the
4 designated premises and the person received notice that:

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

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

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

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

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

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

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

27 (12) on the premises of a mental hospital, as defined

1 by Section 571.003, Health and Safety Code, unless the person has
2 written authorization of the mental hospital administration;

3 (13) in an amusement park; or

4 (14) in the room or rooms where a meeting of a
5 governmental entity is held, if the meeting is an open meeting
6 subject to Chapter 551, Government Code, and if the entity provided
7 notice as required by that chapter.

8 (g-2) An offense committed under Subsection (a)(8),
9 (a)(10), (a)(11), or (a)(13) [~~, (a-2), (a-3), or (a-4)~~] is a Class A
10 misdemeanor.

11 SECTION 6. Section 46.15(a), Penal Code, as amended by
12 Chapters 501 (H.B. 2291), 765 (H.B. 4504), and 1077 (S.B. 599), Acts
13 of the 88th Legislature, Regular Session, 2023, is reenacted and
14 amended to read as follows:

15 (a) Sections 46.02 and 46.03 do not apply to:

16 (1) peace officers or special investigators under
17 Article 2A.002, Code of Criminal Procedure, and neither section
18 prohibits a peace officer or special investigator from carrying a
19 weapon in this state, including in an establishment in this state
20 serving the public, regardless of whether the peace officer or
21 special investigator is engaged in the actual discharge of the
22 officer's or investigator's duties while carrying the weapon;

23 (2) parole officers, and neither section prohibits an
24 officer from carrying a weapon in this state if the officer is:

25 (A) engaged in the actual discharge of the
26 officer's duties while carrying the weapon; and

27 (B) in compliance with policies and procedures

1 adopted by the Texas Department of Criminal Justice regarding the
2 possession of a weapon by an officer while on duty;

3 (3) community supervision and corrections department
4 officers appointed or employed under Section 76.004, Government
5 Code, and neither section prohibits an officer from carrying a
6 weapon in this state if the officer is:

7 (A) engaged in the actual discharge of the
8 officer's duties while carrying the weapon; and

9 (B) authorized to carry a weapon under Section
10 76.0051, Government Code;

11 (4) an active or retired judicial officer as defined
12 by Section 411.201, Government Code, who is licensed to carry a
13 handgun under Subchapter H, Chapter 411, Government Code;

14 (5) an honorably retired peace officer or other
15 qualified retired law enforcement officer, as defined by 18 U.S.C.
16 Section 926C, who holds a certificate of proficiency issued under
17 Section 1701.357, Occupations Code, and is carrying a photo
18 identification that is issued by a federal, state, or local law
19 enforcement agency, as applicable, and that verifies that the
20 officer is an honorably retired peace officer or other qualified
21 retired law enforcement officer;

22 (6) the attorney general or a United States attorney,
23 district attorney, criminal district attorney, county attorney, or
24 municipal attorney who is licensed to carry a handgun under
25 Subchapter H, Chapter 411, Government Code;

26 (7) an assistant United States attorney, assistant
27 attorney general, assistant district attorney, assistant criminal

1 district attorney, or assistant county attorney who is licensed to
2 carry a handgun under Subchapter H, Chapter 411, Government Code;

3 (8) a bailiff designated by an active judicial officer
4 as defined by Section 411.201, Government Code, who is:

5 (A) licensed to carry a handgun under Subchapter
6 H, Chapter 411, Government Code; and

7 (B) engaged in escorting the judicial officer;

8 (9) a juvenile probation officer who is authorized to
9 carry a firearm under Section 142.006, Human Resources Code;

10 (10) ~~[a person who is volunteer emergency services
11 personnel if the person is:~~

12 ~~[(A) carrying a handgun under the authority of
13 Subchapter H, Chapter 411, Government Code; and~~

14 ~~[(B) engaged in providing emergency services; or~~

15 ~~[(11)]~~ a person who:

16 (A) retired after serving as a judge or justice
17 described by Section 411.201(a)(1), Government Code; and

18 (B) is licensed to carry a handgun under
19 Subchapter H, Chapter 411, Government Code; or

20 (11) a person who is carrying:

21 (A) a license issued under Subchapter H, Chapter
22 411, Government Code, to carry a handgun; and

23 (B) a handgun:

24 (i) in a concealed manner; or

25 (ii) in a holster ~~[a district or county~~

26 ~~clerk who is carrying a handgun the clerk is licensed to carry under~~

27 ~~Subchapter H, Chapter 411, Government Code].~~

1 SECTION 7. Section 46.15(j), Penal Code, is amended to read
2 as follows:

3 (j) The provisions of Sections 46.02 and 46.03(a)(7)[~~7~~
4 ~~(a-2), (a-3), and (a-4)~~] do not apply to an individual who carries a
5 handgun as a participant in a historical reenactment performed in
6 accordance with the rules of the Texas Alcoholic Beverage
7 Commission.

8 SECTION 8. The following provisions are repealed:

- 9 (1) Section 104.06(c), Alcoholic Beverage Code;
10 (2) Section 411.204, Government Code;
11 (3) Section 552.002, Health and Safety Code;
12 (4) Sections 46.03(a-2), (a-3), (a-4), (e-1), (e-2),
13 and (f), Penal Code; and
14 (5) Sections 46.15(p), (q), and (r), Penal Code.

15 SECTION 9. The changes in law made by this Act apply only to
16 an offense committed on or after the effective date of this Act. An
17 offense committed before the effective date of this Act is governed
18 by the law in effect on the date the offense was committed, and the
19 former law is continued in effect for that purpose. For purposes of
20 this section, an offense was committed before the effective date of
21 this Act if any element of the offense occurred before that date.

22 SECTION 10. To the extent of any conflict, this Act prevails
23 over another Act of the 89th Legislature, Regular Session, 2025,
24 relating to nonsubstantive additions to and corrections in enacted
25 codes.

26 SECTION 11. This Act takes effect September 1, 2025.