

By: Hall

S.B. No. 83

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the carrying of concealed handguns by handgun license
3 holders on the campus of a school district or open-enrollment
4 charter school.

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

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

8 Sec. 37.0816. CARRYING OF HANDGUNS BY SCHOOL EMPLOYEES.

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

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

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

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

23 SECTION 3. Section 411.2032(a), Government Code, is amended
24 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.

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

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

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

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

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

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

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

19 (a) A court may not hold the state, an agency or subdivision
20 of the state, an officer or employee of the state, a school district
21 or open-enrollment charter school, an officer or employee of a
22 school district or open-enrollment charter school, an institution
23 of higher education, an officer or employee of an institution of
24 higher education, a private or independent institution of higher
25 education that has not adopted rules under Section 411.2031(e), an
26 officer or employee of a private or independent institution of
27 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 premises of a school or postsecondary
26 educational institution, on any grounds or building owned by and
27 under the control of a school or postsecondary educational

1 institution and on which an activity sponsored by the school or
2 institution is being conducted, or in a passenger transportation
3 vehicle of a school or postsecondary educational institution,
4 whether the school or postsecondary educational institution is
5 public or private, unless:

6 (A) pursuant to written regulations or written
7 authorization of the school or institution; or

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

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

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

23 (4) on the premises of a racetrack;

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

25 (6) within 1,000 feet of premises the location of
26 which is designated by the Texas Department of Criminal Justice as a
27 place of execution under Article 43.19, Code of Criminal Procedure,

1 on a day that a sentence of death is set to be imposed on the
2 designated premises and the person received notice that:

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

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

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

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

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

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

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

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

1 (13) in an amusement park; or

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

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

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

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

22 SECTION 9. Section 46.03(c), Penal Code, is amended by
23 amending Subdivision (3-a) and adding Subdivisions (3-b) and (4-b)
24 to read as follows:

25 (3-a) "Open-enrollment charter school" means a school
26 that has been granted a charter under Subchapter D, Chapter 12,
27 Education Code.

1 (3-b) "Postsecondary educational institution" means
2 an institution of higher education or a private or independent
3 institution of higher education.

4 (4-b) "School district" means any public school
5 district in this state.

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

7 SECTION 11. Section 411.208, Government Code, as amended by
8 this Act, applies only to a cause of action that accrues on or after
9 the effective date of this Act. A cause of action that accrues
10 before the effective date of this Act is governed by the law in
11 effect immediately before that date, and that law is continued in
12 effect for that purpose.

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

21 SECTION 13. This Act takes effect September 1, 2025.