

**Review of Legislative Changes to Penal Code Section 46.035
&
Notice Regarding Unlawful Carrying of a Handgun at Open Meetings**

Summary of Request: Approve Board policy that prohibits the carrying of a handgun at Board meetings and adopt notices informing the public it is unlawful to carry a handgun at such meetings.

Background:

During the 84th legislative session, the legislature passed House Bill 910 and Senate Bill 273. These two bills amended Section 46.035 of the Texas Penal Code. The changes went into effect on January 1, 2016.

Under the amended Penal Code, a person who is licensed to carry a concealed handgun may also openly carry a holstered handgun. However, the newly added subsection (c) prohibits carrying a handgun (whether concealed or holstered) at government meetings open to the public if the government has provided notice. Violation of this section is punishable as a Class A Misdemeanor.

Staff Recommendation: Move to adopt Attachments “A” and “B,” noticing the public it is unlawful to carry a handgun at open meetings. Attachment “A” is notice to be posted on the door(s) of all open meetings, and Attachment “B” is notice to be included with the Board’s agenda, on the Texas Register, before each meeting.

ATTACHMENT A

Section 46.035 of the Texas Penal Code prohibits handgun licensees from carrying their handguns at government meetings such as this one. This prohibition applies to both concealed carry and open carry. All individuals and handgun licensees are required by law to refrain from carrying their handguns at this meeting.

ATTACHMENT B

Section 46.035(c) of the Texas Penal Code prohibits handgun licensees from carrying their handguns at government meetings to which the public is invited. This prohibition applies to both concealed carry and open carry by handgun licensees. All individuals and handgun licensees are required by law to refrain from carrying their handguns at this meeting. Failure to comply is punishable as a Class A Misdemeanor.

AN ACT

1
2 relating to the authority of a person who is licensed to carry a
3 handgun to openly carry a holstered handgun; creating criminal
4 offenses.

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

6 SECTION 1. Section 11.041(a), Alcoholic Beverage Code, is
7 amended to read as follows:

8 (a) Each holder of a permit who is not otherwise required to
9 display a sign under Section 411.204, Government Code, shall
10 display in a prominent place on the permit holder's premises a sign
11 giving notice that it is unlawful for a person to carry a weapon on
12 the premises unless the weapon is a ~~concealed~~ handgun the person
13 is licensed to carry under Subchapter H, Chapter 411, Government
14 Code.

15 SECTION 2. Section 11.61(e), Alcoholic Beverage Code, is
16 amended to read as follows:

17 (e) Except as provided by Subsection (f) or (i), the
18 commission or administrator shall cancel an original or renewal
19 permit if it is found, after notice and hearing, that the permittee
20 knowingly allowed a person to possess a firearm in a building on the
21 licensed premises. This subsection does not apply to a person:

22 (1) who holds a security officer commission issued
23 under Chapter 1702, Occupations Code, if:

24 (A) the person is engaged in the performance of

1 the person's duties as a security officer;

2 (B) the person is wearing a distinctive uniform;

3 and

4 (C) the weapon is in plain view;

5 (2) who is a peace officer;

6 (3) who is a permittee or an employee of a permittee if
7 the person is supervising the operation of the premises; or

8 (4) who possesses a ~~[concealed]~~ handgun the person is
9 licensed to carry under Subchapter H, Chapter 411, Government Code,
10 unless the person is on the premises of a business described by
11 Section 46.035(b)(1), Penal Code.

12 SECTION 3. Section 61.11(a), Alcoholic Beverage Code, is
13 amended to read as follows:

14 (a) Each holder of a license who is not otherwise required
15 to display a sign under Section 411.204, Government Code, shall
16 display in a prominent place on the license holder's premises a sign
17 giving notice that it is unlawful for a person to carry a weapon on
18 the premises unless the weapon is a ~~[concealed]~~ handgun the person
19 is licensed to carry under Subchapter H, Chapter 411, Government
20 Code.

21 SECTION 4. Section 61.71(f), Alcoholic Beverage Code, is
22 amended to read as follows:

23 (f) Except as provided by Subsection (g) or (j), the
24 commission or administrator shall cancel an original or renewal
25 dealer's on-premises or off-premises license if it is found, after
26 notice and hearing, that the licensee knowingly allowed a person to
27 possess a firearm in a building on the licensed premises. This

1 subsection does not apply to a person:

2 (1) who holds a security officer commission issued
3 under Chapter 1702, Occupations Code, if:

4 (A) the person is engaged in the performance of
5 the person's duties as a security officer;

6 (B) the person is wearing a distinctive uniform;
7 and

8 (C) the weapon is in plain view;

9 (2) who is a peace officer;

10 (3) who is a licensee or an employee of a licensee if
11 the person is supervising the operation of the premises; or

12 (4) who possesses a ~~concealed~~ handgun the person is
13 licensed to carry under Subchapter H, Chapter 411, Government Code,
14 unless the person is on the premises of a business described by
15 Section 46.035(b)(1), Penal Code.

16 SECTION 5. Article 7A.05(c), Code of Criminal Procedure, is
17 amended to read as follows:

18 (c) In a protective order, the court may suspend a license
19 to carry a ~~concealed~~ handgun issued under Section 411.177,
20 Government Code, that is held by the alleged offender.

21 SECTION 6. Article 17.292(1), Code of Criminal Procedure,
22 is amended to read as follows:

23 (1) In the order for emergency protection, the magistrate
24 shall suspend a license to carry a ~~concealed~~ handgun issued under
25 Subchapter H, Chapter 411, Government Code, that is held by the
26 defendant.

27 SECTION 7. Article 17.293, Code of Criminal Procedure, is

1 amended to read as follows:

2 Art. 17.293. DELIVERY OF ORDER FOR EMERGENCY PROTECTION TO
3 OTHER PERSONS. The magistrate or the clerk of the magistrate's
4 court issuing an order for emergency protection under Article
5 17.292 that suspends a license to carry a [~~concealed~~] handgun shall
6 immediately send a copy of the order to the appropriate division of
7 the Department of Public Safety at its Austin headquarters. On
8 receipt of the order suspending the license, the department shall:

9 (1) record the suspension of the license in the
10 records of the department;

11 (2) report the suspension to local law enforcement
12 agencies, as appropriate; and

13 (3) demand surrender of the suspended license from the
14 license holder.

15 SECTION 8. Section 37.0811(f), Education Code, is amended
16 to read as follows:

17 (f) A school district or charter school employee's status as
18 a school marshal becomes inactive on:

19 (1) expiration of the employee's school marshal
20 license under Section 1701.260, Occupations Code;

21 (2) suspension or revocation of the employee's license
22 to carry a [~~concealed~~] handgun issued under Subchapter H, Chapter
23 411, Government Code;

24 (3) termination of the employee's employment with the
25 district or charter school; or

26 (4) notice from the board of trustees of the district
27 or the governing body of the charter school that the employee's

1 services as school marshal are no longer required.

2 SECTION 9. Section 63.0101, Election Code, is amended to
3 read as follows:

4 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

5 The following documentation is an acceptable form of photo
6 identification under this chapter:

7 (1) a driver's license, election identification
8 certificate, or personal identification card issued to the person
9 by the Department of Public Safety that has not expired or that
10 expired no earlier than 60 days before the date of presentation;

11 (2) a United States military identification card that
12 contains the person's photograph that has not expired or that
13 expired no earlier than 60 days before the date of presentation;

14 (3) a United States citizenship certificate issued to
15 the person that contains the person's photograph;

16 (4) a United States passport issued to the person that
17 has not expired or that expired no earlier than 60 days before the
18 date of presentation; or

19 (5) a license to carry a ~~concealed~~ handgun issued to
20 the person by the Department of Public Safety that has not expired
21 or that expired no earlier than 60 days before the date of
22 presentation.

23 SECTION 10. Section 2.005(b), Family Code, is amended to
24 read as follows:

25 (b) The proof must be established by:

26 (1) a driver's license or identification card issued
27 by this state, another state, or a Canadian province that is current

1 or has expired not more than two years preceding the date the
2 identification is submitted to the county clerk in connection with
3 an application for a license;

4 (2) a United States passport;

5 (3) a current passport issued by a foreign country or a
6 consular document issued by a state or national government;

7 (4) an unexpired Certificate of United States
8 Citizenship, Certificate of Naturalization, United States Citizen
9 Identification Card, Permanent Resident Card, Temporary Resident
10 Card, Employment Authorization Card, or other document issued by
11 the federal Department of Homeland Security or the United States
12 Department of State including an identification photograph;

13 (5) an unexpired military identification card for
14 active duty, reserve, or retired personnel with an identification
15 photograph;

16 (6) an original or certified copy of a birth
17 certificate issued by a bureau of vital statistics for a state or a
18 foreign government;

19 (7) an original or certified copy of a Consular Report
20 of Birth Abroad or Certificate of Birth Abroad issued by the United
21 States Department of State;

22 (8) an original or certified copy of a court order
23 relating to the applicant's name change or sex change;

24 (9) school records from a secondary school or
25 institution of higher education;

26 (10) an insurance policy continuously valid for the
27 two years preceding the date of the application for a license;

- 1 (11) a motor vehicle certificate of title;
- 2 (12) military records, including documentation of
3 release or discharge from active duty or a draft record;
- 4 (13) an unexpired military dependent identification
5 card;
- 6 (14) an original or certified copy of the applicant's
7 marriage license or divorce decree;
- 8 (15) a voter registration certificate;
- 9 (16) a pilot's license issued by the Federal Aviation
10 Administration or another authorized agency of the United States;
- 11 (17) a license to carry a [~~concealed~~] handgun under
12 Subchapter H, Chapter 411, Government Code;
- 13 (18) a temporary driving permit or a temporary
14 identification card issued by the Department of Public Safety; or
- 15 (19) an offender identification card issued by the
16 Texas Department of Criminal Justice.

17 SECTION 11. Section 58.003(m), Family Code, is amended to
18 read as follows:

19 (m) On request of the Department of Public Safety, a
20 juvenile court shall reopen and allow the department to inspect the
21 files and records of the juvenile court relating to an applicant for
22 a license to carry a [~~concealed~~] handgun under Subchapter H,
23 Chapter 411, Government Code.

24 SECTION 12. Section 85.022(d), Family Code, is amended to
25 read as follows:

26 (d) In a protective order, the court shall suspend a license
27 to carry a [~~concealed~~] handgun issued under Subchapter H, Chapter

1 411, Government Code, that is held by a person found to have
2 committed family violence.

3 SECTION 13. Section 85.042(e), Family Code, is amended to
4 read as follows:

5 (e) The clerk of the court issuing an original or modified
6 protective order under Section 85.022 that suspends a license to
7 carry a [~~concealed~~] handgun shall send a copy of the order to the
8 appropriate division of the Department of Public Safety at its
9 Austin headquarters. On receipt of the order suspending the
10 license, the department shall:

11 (1) record the suspension of the license in the
12 records of the department;

13 (2) report the suspension to local law enforcement
14 agencies, as appropriate; and

15 (3) demand surrender of the suspended license from the
16 license holder.

17 SECTION 14. The heading to Section 411.047, Government
18 Code, is amended to read as follows:

19 Sec. 411.047. REPORTING RELATED TO CERTAIN [~~CONCEALED~~]
20 HANDGUN INCIDENTS INVOLVING LICENSE HOLDERS.

21 SECTION 15. Section 411.0625, Government Code, is amended
22 to read as follows:

23 Sec. 411.0625. PASS FOR EXPEDITED ACCESS TO CAPITOL. (a)
24 The department shall allow a person to enter the Capitol and the
25 Capitol Extension, including any public space in the Capitol or
26 Capitol Extension, in the same manner as the department allows
27 entry to a person who presents a [~~concealed handgun~~] license to

1 carry a handgun under Subchapter H if the person:

2 (1) obtains from the department a Capitol access pass;
3 and

4 (2) presents the pass to the appropriate law
5 enforcement official when entering the building or a space within
6 the building.

7 (b) To be eligible for a Capitol access pass, a person must
8 meet the eligibility requirements applicable to a license to carry
9 a [~~concealed~~] handgun under Subchapter H, other than requirements
10 regarding evidence of handgun proficiency.

11 (c) The department shall adopt rules to establish a
12 procedure by which a resident of the state may apply for and be
13 issued a Capitol access pass. Rules adopted under this section must
14 include provisions for eligibility, application, approval,
15 issuance, and renewal that:

16 (1) require the department to conduct the same
17 background check on an applicant for a Capitol access pass that is
18 conducted on an applicant for a [~~concealed handgun~~] license to
19 carry a handgun under Subchapter H;

20 (2) enable the department to conduct the background
21 check described by Subdivision (1); and

22 (3) establish application and renewal fees in amounts
23 sufficient to cover the cost of administering this section, not to
24 exceed the amounts of similar fees required under Section 411.174
25 for a [~~concealed handgun~~] license to carry a handgun [~~under Section~~
26 411.174].

27 SECTION 16. The heading to Subchapter H, Chapter 411,

1 Government Code, is amended to read as follows:

2 SUBCHAPTER H. LICENSE TO CARRY A [~~CONCEALED~~] HANDGUN

3 SECTION 17. Sections 411.172(a), (b-1), (g), and (h),
4 Government Code, are amended to read as follows:

5 (a) A person is eligible for a license to carry a
6 [~~concealed~~] handgun if the person:

7 (1) is a legal resident of this state for the six-month
8 period preceding the date of application under this subchapter or
9 is otherwise eligible for a license under Section 411.173(a);

10 (2) is at least 21 years of age;

11 (3) has not been convicted of a felony;

12 (4) is not charged with the commission of a Class A or
13 Class B misdemeanor or equivalent offense, or of an offense under
14 Section 42.01, Penal Code, or equivalent offense, or of a felony
15 under an information or indictment;

16 (5) is not a fugitive from justice for a felony or a
17 Class A or Class B misdemeanor or equivalent offense;

18 (6) is not a chemically dependent person;

19 (7) is not incapable of exercising sound judgment with
20 respect to the proper use and storage of a handgun;

21 (8) has not, in the five years preceding the date of
22 application, been convicted of a Class A or Class B misdemeanor or
23 equivalent offense or of an offense under Section 42.01, Penal
24 Code, or equivalent offense;

25 (9) is fully qualified under applicable federal and
26 state law to purchase a handgun;

27 (10) has not been finally determined to be delinquent

1 in making a child support payment administered or collected by the
2 attorney general;

3 (11) has not been finally determined to be delinquent
4 in the payment of a tax or other money collected by the comptroller,
5 the tax collector of a political subdivision of the state, or any
6 agency or subdivision of the state;

7 (12) is not currently restricted under a court
8 protective order or subject to a restraining order affecting the
9 spousal relationship, other than a restraining order solely
10 affecting property interests;

11 (13) has not, in the 10 years preceding the date of
12 application, been adjudicated as having engaged in delinquent
13 conduct violating a penal law of the grade of felony; and

14 (14) has not made any material misrepresentation, or
15 failed to disclose any material fact, in an application submitted
16 pursuant to Section [411.174](#).

17 (b-1) An offense is not considered a felony for purposes of
18 Subsection (b) if, at the time of a person's application for a
19 license to carry a ~~concealed~~ handgun, the offense:

20 (1) is not designated by a law of this state as a
21 felony; and

22 (2) does not contain all the elements of any offense
23 designated by a law of this state as a felony.

24 (g) Notwithstanding Subsection (a)(2), a person who is at
25 least 18 years of age but not yet 21 years of age is eligible for a
26 license to carry a ~~concealed~~ handgun if the person:

27 (1) is a member or veteran of the United States armed

1 forces, including a member or veteran of the reserves or national
2 guard;

3 (2) was discharged under honorable conditions, if
4 discharged from the United States armed forces, reserves, or
5 national guard; and

6 (3) meets the other eligibility requirements of
7 Subsection (a) except for the minimum age required by federal law to
8 purchase a handgun.

9 (h) The issuance of a license to carry a ~~[concealed]~~ handgun
10 to a person eligible under Subsection (g) does not affect the
11 person's ability to purchase a handgun or ammunition under federal
12 law.

13 SECTION 18. Section [411.173](#)(b), Government Code, is amended
14 to read as follows:

15 (b) The governor shall negotiate an agreement with any other
16 state that provides for the issuance of a license to carry a
17 ~~[concealed]~~ handgun under which a license issued by the other state
18 is recognized in this state or shall issue a proclamation that a
19 license issued by the other state is recognized in this state if the
20 attorney general of the State of Texas determines that a background
21 check of each applicant for a license issued by that state is
22 initiated by state or local authorities or an agent of the state or
23 local authorities before the license is issued. For purposes of
24 this subsection, "background check" means a search of the National
25 Crime Information Center database and the Interstate
26 Identification Index maintained by the Federal Bureau of
27 Investigation.

1 SECTION 19. Section 411.174(a), Government Code, is amended
2 to read as follows:

3 (a) An applicant for a license to carry a ~~concealed~~
4 handgun must submit to the director's designee described by Section
5 411.176:

6 (1) a completed application on a form provided by the
7 department that requires only the information listed in Subsection
8 (b);

9 (2) one or more photographs of the applicant that meet
10 the requirements of the department;

11 (3) a certified copy of the applicant's birth
12 certificate or certified proof of age;

13 (4) proof of residency in this state;

14 (5) two complete sets of legible and classifiable
15 fingerprints of the applicant taken by a person appropriately
16 trained in recording fingerprints who is employed by a law
17 enforcement agency or by a private entity designated by a law
18 enforcement agency as an entity qualified to take fingerprints of
19 an applicant for a license under this subchapter;

20 (6) a nonrefundable application and license fee of
21 \$140 paid to the department;

22 (7) evidence of handgun proficiency, in the form and
23 manner required by the department;

24 (8) an affidavit signed by the applicant stating that
25 the applicant:

26 (A) has read and understands each provision of
27 this subchapter that creates an offense under the laws of this state

1 and each provision of the laws of this state related to use of
2 deadly force; and

3 (B) fulfills all the eligibility requirements
4 listed under Section 411.172; and

5 (9) a form executed by the applicant that authorizes
6 the director to make an inquiry into any noncriminal history
7 records that are necessary to determine the applicant's eligibility
8 for a license under Section 411.172(a).

9 SECTION 20. Section 411.177(a), Government Code, is amended
10 to read as follows:

11 (a) The department shall issue a license to carry a
12 ~~[concealed]~~ handgun to an applicant if the applicant meets all the
13 eligibility requirements and submits all the application
14 materials. The department shall administer the licensing
15 procedures in good faith so that any applicant who meets all the
16 eligibility requirements and submits all the application materials
17 shall receive a license. The department may not deny an application
18 on the basis of a capricious or arbitrary decision by the
19 department.

20 SECTION 21. Section 411.185(c), Government Code, is amended
21 to read as follows:

22 (c) The director by rule shall adopt an informational form
23 that describes state law regarding the use of deadly force and the
24 places where it is unlawful for the holder of a license issued under
25 this subchapter to carry a ~~[concealed]~~ handgun. An applicant for a
26 renewed license must sign and return the informational form to the
27 department by mail or acknowledge the form electronically on the

1 Internet according to the procedure adopted under Subsection (f).

2 SECTION 22. Sections 411.188(b) and (g), Government Code,
3 are amended to read as follows:

4 (b) Only qualified handgun instructors may administer the
5 classroom instruction part or the range instruction part of the
6 handgun proficiency course. The classroom instruction part of the
7 course must include not less than four hours and not more than six
8 hours of instruction on:

9 (1) the laws that relate to weapons and to the use of
10 deadly force;

11 (2) handgun use and safety, including use of restraint
12 holsters and methods to ensure the secure carrying of openly
13 carried handguns;

14 (3) nonviolent dispute resolution; and

15 (4) proper storage practices for handguns with an
16 emphasis on storage practices that eliminate the possibility of
17 accidental injury to a child.

18 (g) A person who wishes to obtain a license to carry a
19 ~~[concealed]~~ handgun must apply in person to a qualified handgun
20 instructor to take the appropriate course in handgun proficiency
21 and demonstrate handgun proficiency as required by the department.

22 SECTION 23. Sections 411.190(b), (c), and (f), Government
23 Code, are amended to read as follows:

24 (b) In addition to the qualifications described by
25 Subsection (a), a qualified handgun instructor must be qualified to
26 instruct persons in:

27 (1) the laws that relate to weapons and to the use of

1 deadly force;

2 (2) handgun use, proficiency, and safety, including
3 use of restraint holsters and methods to ensure the secure carrying
4 of openly carried handguns;

5 (3) nonviolent dispute resolution; and

6 (4) proper storage practices for handguns, including
7 storage practices that eliminate the possibility of accidental
8 injury to a child.

9 (c) In the manner applicable to a person who applies for a
10 license to carry a [~~concealed~~] handgun, the department shall
11 conduct a background check of a person who applies for
12 certification as a qualified handgun instructor. If the background
13 check indicates that the applicant for certification would not
14 qualify to receive a handgun license, the department may not
15 certify the applicant as a qualified handgun instructor. If the
16 background check indicates that the applicant for certification
17 would qualify to receive a handgun license, the department shall
18 provide handgun instructor training to the applicant. The
19 applicant shall pay a fee of \$100 to the department for the
20 training. The applicant must take and successfully complete the
21 training offered by the department and pay the training fee before
22 the department may certify the applicant as a qualified handgun
23 instructor. The department shall issue a license to carry a
24 [~~concealed~~] handgun under the authority of this subchapter to any
25 person who is certified as a qualified handgun instructor and who
26 pays to the department a fee of \$100 in addition to the training
27 fee. The department by rule may prorate or waive the training fee

1 for an employee of another governmental entity.

2 (f) If the department determines that a reason exists to
3 revoke, suspend, or deny a license to carry a ~~[concealed]~~ handgun
4 with respect to a person who is a qualified handgun instructor or an
5 applicant for certification as a qualified handgun instructor, the
6 department shall take that action against the person's:

7 (1) license to carry a ~~[concealed]~~ handgun if the
8 person is an applicant for or the holder of a license issued under
9 this subchapter; and

10 (2) certification as a qualified handgun instructor.

11 SECTION 24. Section [411.1901\(c\)](#), Government Code, is
12 amended to read as follows:

13 (c) A qualified handgun instructor certified in school
14 safety under this section may provide school safety training,
15 including instruction in the subjects listed under Subsection (a),
16 to employees of a school district or an open-enrollment charter
17 school who hold a license to carry a ~~[concealed]~~ handgun issued
18 under this subchapter.

19 SECTION 25. Section [411.198\(a\)](#), Government Code, is amended
20 to read as follows:

21 (a) On written approval of the director, the department may
22 issue to a law enforcement officer an alias license to carry a
23 ~~[concealed]~~ handgun to be used in supervised activities involving
24 criminal investigations.

25 SECTION 26. Sections [411.201\(c\)](#), (d), (e), and (h),
26 Government Code, are amended to read as follows:

27 (c) An active judicial officer is eligible for a license to

1 carry a [~~concealed~~] handgun under the authority of this subchapter.
2 A retired judicial officer is eligible for a license to carry a
3 [~~concealed~~] handgun under the authority of this subchapter if the
4 officer:

5 (1) has not been convicted of a felony;

6 (2) has not, in the five years preceding the date of
7 application, been convicted of a Class A or Class B misdemeanor or
8 equivalent offense;

9 (3) is not charged with the commission of a Class A or
10 Class B misdemeanor or equivalent offense or of a felony under an
11 information or indictment;

12 (4) is not a chemically dependent person; and

13 (5) is not a person of unsound mind.

14 (d) An applicant for a license who is an active or retired
15 judicial officer must submit to the department:

16 (1) a completed application, including all required
17 affidavits, on a form prescribed by the department;

18 (2) one or more photographs of the applicant that meet
19 the requirements of the department;

20 (3) two complete sets of legible and classifiable
21 fingerprints of the applicant, including one set taken by a person
22 employed by a law enforcement agency who is appropriately trained
23 in recording fingerprints;

24 (4) evidence of handgun proficiency, in the form and
25 manner required by the department for an applicant under this
26 section;

27 (5) a nonrefundable application and license fee set by

1 the department in an amount reasonably designed to cover the
2 administrative costs associated with issuance of a license to carry
3 a [~~concealed~~] handgun under this subchapter; and

4 (6) if the applicant is a retired judicial officer, a
5 form executed by the applicant that authorizes the department to
6 make an inquiry into any noncriminal history records that are
7 necessary to determine the applicant's eligibility for a license
8 under this subchapter.

9 (e) On receipt of all the application materials required by
10 this section, the department shall:

11 (1) if the applicant is an active judicial officer,
12 issue a license to carry a [~~concealed~~] handgun under the authority
13 of this subchapter; or

14 (2) if the applicant is a retired judicial officer,
15 conduct an appropriate background investigation to determine the
16 applicant's eligibility for the license and, if the applicant is
17 eligible, issue a license to carry a [~~concealed~~] handgun under the
18 authority of this subchapter.

19 (h) The department shall issue a license to carry a
20 [~~concealed~~] handgun under the authority of this subchapter to an
21 elected attorney representing the state in the prosecution of
22 felony cases who meets the requirements of this section for an
23 active judicial officer. The department shall waive any fee
24 required for the issuance of an original, duplicate, or renewed
25 license under this subchapter for an applicant who is an attorney
26 elected or employed to represent the state in the prosecution of
27 felony cases.

1 SECTION 27. Section 411.203, Government Code, is amended to
2 read as follows:

3 Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does
4 not prevent or otherwise limit the right of a public or private
5 employer to prohibit persons who are licensed under this subchapter
6 from carrying a [~~concealed~~] handgun on the premises of the
7 business. In this section, "premises" has the meaning assigned by
8 Section 46.035(f)(3), Penal Code.

9 SECTION 28. Section 411.2032(b), Government Code, is
10 amended to read as follows:

11 (b) An institution of higher education or private or
12 independent institution of higher education in this state may not
13 adopt or enforce any rule, regulation, or other provision or take
14 any other action, including posting notice under Section 30.06 or
15 30.07, Penal Code, prohibiting or placing restrictions on the
16 storage or transportation of a firearm or ammunition in a locked,
17 privately owned or leased motor vehicle by a person, including a
18 student enrolled at that institution, who holds a license to carry a
19 [~~concealed~~] handgun under this subchapter and lawfully possesses
20 the firearm or ammunition:

21 (1) on a street or driveway located on the campus of
22 the institution; or

23 (2) in a parking lot, parking garage, or other parking
24 area located on the campus of the institution.

25 SECTION 29. Section 12.092(b), Health and Safety Code, is
26 amended to read as follows:

27 (b) The medical advisory board shall assist the Department

1 of Public Safety of the State of Texas in determining whether:

2 (1) an applicant for a driver's license or a license
3 holder is capable of safely operating a motor vehicle; or

4 (2) an applicant for or holder of a license to carry a
5 ~~[concealed]~~ handgun under the authority of Subchapter H, Chapter
6 411, Government Code, or an applicant for or holder of a commission
7 as a security officer under Chapter 1702, Occupations Code, is
8 capable of exercising sound judgment with respect to the proper use
9 and storage of a handgun.

10 SECTION 30. Sections [52.061](#) and [52.062](#), Labor Code, are
11 amended to read as follows:

12 Sec. 52.061. RESTRICTION ON PROHIBITING EMPLOYEE ACCESS TO
13 OR STORAGE OF FIREARM OR AMMUNITION. A public or private employer
14 may not prohibit an employee who holds a license to carry a
15 ~~[concealed]~~ handgun under Subchapter H, Chapter 411, Government
16 Code, who otherwise lawfully possesses a firearm, or who lawfully
17 possesses ammunition from transporting or storing a firearm or
18 ammunition the employee is authorized by law to possess in a locked,
19 privately owned motor vehicle in a parking lot, parking garage, or
20 other parking area the employer provides for employees.

21 Sec. 52.062. EXCEPTIONS. (a) Section [52.061](#) does not:

22 (1) authorize a person who holds a license to carry a
23 ~~[concealed]~~ handgun under Subchapter H, Chapter 411, Government
24 Code, who otherwise lawfully possesses a firearm, or who lawfully
25 possesses ammunition to possess a firearm or ammunition on any
26 property where the possession of a firearm or ammunition is
27 prohibited by state or federal law; or

1 (2) apply to:

2 (A) a vehicle owned or leased by a public or
3 private employer and used by an employee in the course and scope of
4 the employee's employment, unless the employee is required to
5 transport or store a firearm in the official discharge of the
6 employee's duties;

7 (B) a school district;

8 (C) an open-enrollment charter school, as
9 defined by Section 5.001, Education Code;

10 (D) a private school, as defined by Section
11 22.081, Education Code;

12 (E) property owned or controlled by a person,
13 other than the employer, that is subject to a valid, unexpired oil,
14 gas, or other mineral lease that contains a provision prohibiting
15 the possession of firearms on the property; or

16 (F) property owned or leased by a chemical
17 manufacturer or oil and gas refiner with an air authorization under
18 Chapter 382, Health and Safety Code, and on which the primary
19 business conducted is the manufacture, use, storage, or
20 transportation of hazardous, combustible, or explosive materials,
21 except in regard to an employee who holds a license to carry a
22 ~~concealed~~ handgun under Subchapter H, Chapter 411, Government
23 Code, and who stores a firearm or ammunition the employee is
24 authorized by law to possess in a locked, privately owned motor
25 vehicle in a parking lot, parking garage, or other parking area the
26 employer provides for employees that is outside of a secured and
27 restricted area:

- 1 (i) that contains the physical plant;
- 2 (ii) that is not open to the public; and
- 3 (iii) the ingress into which is constantly
- 4 monitored by security personnel.

5 (b) Section 52.061 does not prohibit an employer from
 6 prohibiting an employee who holds a license to carry a ~~[concealed]~~
 7 handgun under Subchapter H, Chapter 411, Government Code, or who
 8 otherwise lawfully possesses a firearm, from possessing a firearm
 9 the employee is otherwise authorized by law to possess on the
 10 premises of the employer's business. In this subsection,
 11 "premises" has the meaning assigned by Section 46.035(f)(3), Penal
 12 Code.

13 SECTION 31. (a) Section 118.011(b), Local Government Code,
 14 as effective until September 1, 2019, is amended to read as follows:

15 (b) The county clerk may set and collect the following fee
 16 from any person:

- 17 (1) Returned Check (Sec. 118.0215) not
- 18 less than \$15 or more than \$30
- 19 (2) Records Management and Preservation Fee (Sec.
- 20 118.0216) not more than
- 21 \$10
- 22 (3) Mental Health Background Check for License to
- 23 Carry a Handgun ~~[Concealed Weapon]~~ (Sec. 118.0217) not
- 24 more than \$2

25 (b) This section takes effect September 1, 2015.

26 SECTION 32. (a) Section 118.011(b), Local Government Code,
 27 as effective September 1, 2019, is amended to read as follows:

1 (b) The county clerk may set and collect the following fee
2 from any person:

3 (1) Returned Check (Sec. 118.0215) not
4 less than \$15 or more than \$30

5 (2) Records Management and Preservation Fee (Sec.
6 118.0216) not more
7 than \$5

8 (3) Mental Health Background Check for License to
9 Carry a Handgun [~~Concealed Weapon~~] (Sec. 118.0217) not
10 more than \$2

11 (b) This section takes effect September 1, 2019.

12 SECTION 33. Section 118.0217(a), Local Government Code, is
13 amended to read as follows:

14 (a) The fee for a "mental health background check for
15 license to carry a handgun [~~concealed weapon~~]" is for a check,
16 conducted by the county clerk at the request of the Texas Department
17 of Public Safety, of the county records involving the mental
18 condition of a person who applies for a license to carry a
19 [~~concealed~~] handgun under Subchapter H, Chapter 411, Government
20 Code. The fee, not to exceed \$2, will be paid from the application
21 fee submitted to the Department of Public Safety according to
22 Section 411.174(a)(6), Government Code.

23 SECTION 34. Section 229.001(b), Local Government Code, is
24 amended to read as follows:

25 (b) Subsection (a) does not affect the authority a
26 municipality has under another law to:

27 (1) require residents or public employees to be armed

1 for personal or national defense, law enforcement, or another
2 lawful purpose;

3 (2) regulate the discharge of firearms or air guns
4 within the limits of the municipality, other than at a sport
5 shooting range;

6 (3) regulate the use of property, the location of a
7 business, or uses at a business under the municipality's fire code,
8 zoning ordinance, or land-use regulations as long as the code,
9 ordinance, or regulations are not used to circumvent the intent of
10 Subsection (a) or Subdivision (5) of this subsection;

11 (4) regulate the use of firearms or air guns in the
12 case of an insurrection, riot, or natural disaster if the
13 municipality finds the regulations necessary to protect public
14 health and safety;

15 (5) regulate the storage or transportation of
16 explosives to protect public health and safety, except that 25
17 pounds or less of black powder for each private residence and 50
18 pounds or less of black powder for each retail dealer are not
19 subject to regulation;

20 (6) regulate the carrying of a firearm or air gun by a
21 person other than a person licensed to carry a ~~concealed~~ handgun
22 under Subchapter H, Chapter 411, Government Code, at a:

23 (A) public park;

24 (B) public meeting of a municipality, county, or
25 other governmental body;

26 (C) political rally, parade, or official
27 political meeting; or

1 (D) nonfirearms-related school, college, or
2 professional athletic event;

3 (7) regulate the hours of operation of a sport
4 shooting range, except that the hours of operation may not be more
5 limited than the least limited hours of operation of any other
6 business in the municipality other than a business permitted or
7 licensed to sell or serve alcoholic beverages for on-premises
8 consumption; or

9 (8) regulate the carrying of an air gun by a minor on:

10 (A) public property; or

11 (B) private property without consent of the
12 property owner.

13 SECTION 35. The heading to Section [1701.260](#), Occupations
14 Code, is amended to read as follows:

15 Sec. 1701.260. TRAINING FOR HOLDERS OF LICENSE TO CARRY A
16 ~~[CONCEALED]~~ HANDGUN; CERTIFICATION OF ELIGIBILITY FOR APPOINTMENT
17 AS SCHOOL MARSHAL.

18 SECTION 36. Sections [1701.260](#)(a) and (i), Occupations Code,
19 are amended to read as follows:

20 (a) The commission shall establish and maintain a training
21 program open to any employee of a school district or
22 open-enrollment charter school who holds a license to carry a
23 ~~[concealed]~~ handgun issued under Subchapter H, Chapter 411,
24 Government Code. The training may be conducted only by the
25 commission staff or a provider approved by the commission.

26 (i) The commission shall revoke a person's school marshal
27 license if the commission is notified by the Department of Public

1 Safety that the person's license to carry a [~~concealed~~] handgun
2 issued under Subchapter H, Chapter 411, Government Code, has been
3 suspended or revoked. A person whose school marshal license is
4 revoked may obtain recertification by:

5 (1) furnishing proof to the commission that the
6 person's [~~concealed~~] handgun license has been reinstated; and

7 (2) completing the initial training under Subsection
8 (c) to the satisfaction of the commission staff, paying the fee for
9 the training, and demonstrating psychological fitness on the
10 psychological examination described in Subsection (d).

11 SECTION 37. Section 1702.206(b), Occupations Code, is
12 amended to read as follows:

13 (b) An individual who is acting as a personal protection
14 officer and is wearing the uniform of a security officer, including
15 any uniform or apparel described by Section 1702.323(d), may not
16 conceal any firearm the individual is carrying and shall carry the
17 firearm in plain view. An individual who is acting as a personal
18 protection officer and is not wearing the uniform of a security
19 officer shall conceal the firearm, regardless of whether the
20 individual is authorized to openly carry the firearm under any
21 other law.

22 SECTION 38. Sections 62.082(d) and (e), Parks and Wildlife
23 Code, are amended to read as follows:

24 (d) Section 62.081 does not apply to:

25 (1) an employee of the Lower Colorado River Authority;

26 (2) a person authorized to hunt under Subsection (c);

27 (3) a peace officer as defined by Article 2.12, Code of

1 Criminal Procedure; or

2 (4) a person who:

3 (A) possesses a [~~concealed~~] handgun and a license
4 issued under Subchapter H, Chapter 411, Government Code, to carry a
5 [~~concealed~~] handgun; or

6 (B) under circumstances in which the person would
7 be justified in the use of deadly force under Chapter 9, Penal Code,
8 shoots a handgun the person is licensed to carry under Subchapter H,
9 Chapter 411, Government Code.

10 (e) A state agency, including the department, the
11 Department of Public Safety, and the Lower Colorado River
12 Authority, may not adopt a rule that prohibits a person who
13 possesses a license issued under Subchapter H, Chapter 411,
14 Government Code, from entering or crossing the land of the Lower
15 Colorado River Authority while:

16 (1) possessing a [~~concealed~~] handgun; or

17 (2) under circumstances in which the person would be
18 justified in the use of deadly force under Chapter 9, Penal Code,
19 shooting a handgun.

20 SECTION 39. Section 284.001(e), Parks and Wildlife Code, is
21 amended to read as follows:

22 (e) This section does not limit the ability of a license
23 holder to carry a [~~concealed~~] handgun under the authority of
24 Subchapter H, Chapter 411, Government Code.

25 SECTION 40. Section 30.05(f), Penal Code, is amended to
26 read as follows:

27 (f) It is a defense to prosecution under this section that:

1 (1) the basis on which entry on the property or land or
2 in the building was forbidden is that entry with a handgun was
3 forbidden; and

4 (2) the person was carrying:

5 (A) a ~~[concealed handgun and a]~~ license issued
6 under Subchapter H, Chapter 411, Government Code, to carry a
7 ~~[concealed]~~ handgun; and

8 (B) a handgun:

9 (i) in a concealed manner; or

10 (ii) in a shoulder or belt holster.

11 SECTION 41. The heading to Section 30.06, Penal Code, is
12 amended to read as follows:

13 Sec. 30.06. TRESPASS BY LICENSE HOLDER WITH A ~~[OF LICENSE TO~~
14 ~~CARRY]~~ CONCEALED HANDGUN.

15 SECTION 42. Sections 30.06(a) and (d), Penal Code, are
16 amended to read as follows:

17 (a) A license holder commits an offense if the license
18 holder:

19 (1) carries a concealed handgun under the authority of
20 Subchapter H, Chapter 411, Government Code, on property of another
21 without effective consent; and

22 (2) received notice that~~+~~

23 ~~[(A)]~~ entry on the property by a license holder
24 with a concealed handgun was forbidden~~[, or~~

25 ~~[(B) remaining on the property with a concealed~~
26 ~~handgun was forbidden and failed to depart]~~.

27 (d) An offense under this section is a Class C misdemeanor

1 punishable by a fine not to exceed \$200, except that the offense is
2 a Class A misdemeanor if it is shown on the trial of the offense
3 that, after entering the property, the license holder was
4 personally given the notice by oral communication described by
5 Subsection (b) and subsequently failed to depart.

6 SECTION 43. Section 30.06(c)(3), Penal Code, is amended to
7 read as follows:

8 (3) "Written communication" means:

9 (A) a card or other document on which is written
10 language identical to the following: "Pursuant to Section 30.06,
11 Penal Code (trespass by license holder with [~~of license to carry~~]
12 concealed handgun), a person licensed under Subchapter H, Chapter
13 411, Government Code ([~~concealed~~] handgun licensing law), may not
14 enter this property with a concealed handgun"; or

15 (B) a sign posted on the property that:

16 (i) includes the language described by
17 Paragraph (A) in both English and Spanish;

18 (ii) appears in contrasting colors with
19 block letters at least one inch in height; and

20 (iii) is displayed in a conspicuous manner
21 clearly visible to the public.

22 SECTION 44. Chapter 30, Penal Code, is amended by adding
23 Section 30.07 to read as follows:

24 Sec. 30.07. TRESPASS BY LICENSE HOLDER WITH AN OPENLY
25 CARRIED HANDGUN. (a) A license holder commits an offense if the
26 license holder:

27 (1) openly carries a handgun under the authority of

1 Subchapter H, Chapter 411, Government Code, on property of another
2 without effective consent; and

3 (2) received notice that entry on the property by a
4 license holder openly carrying a handgun was forbidden.

5 (b) For purposes of this section, a person receives notice
6 if the owner of the property or someone with apparent authority to
7 act for the owner provides notice to the person by oral or written
8 communication.

9 (c) In this section:

10 (1) "Entry" has the meaning assigned by Section
11 30.05(b).

12 (2) "License holder" has the meaning assigned by
13 Section 46.035(f).

14 (3) "Written communication" means:

15 (A) a card or other document on which is written
16 language identical to the following: "Pursuant to Section 30.07,
17 Penal Code (trespass by license holder with an openly carried
18 handgun), a person licensed under Subchapter H, Chapter 411,
19 Government Code (handgun licensing law), may not enter this
20 property with a handgun that is carried openly"; or

21 (B) a sign posted on the property that:

22 (i) includes the language described by
23 Paragraph (A) in both English and Spanish;

24 (ii) appears in contrasting colors with
25 block letters at least one inch in height; and

26 (iii) is displayed in a conspicuous manner
27 clearly visible to the public at each entrance to the property.

1 (d) An offense under this section is a Class C misdemeanor
2 punishable by a fine not to exceed \$200, except that the offense is
3 a Class A misdemeanor if it is shown on the trial of the offense
4 that, after entering the property, the license holder was
5 personally given the notice by oral communication described by
6 Subsection (b) and subsequently failed to depart.

7 (e) It is an exception to the application of this section
8 that the property on which the license holder openly carries the
9 handgun is owned or leased by a governmental entity and is not a
10 premises or other place on which the license holder is prohibited
11 from carrying the handgun under Section 46.03 or 46.035.

12 (f) It is not a defense to prosecution under this section
13 that the handgun was carried in a shoulder or belt holster.

14 SECTION 45. Section 46.02(a-1), Penal Code, is amended to
15 read as follows:

16 (a-1) A person commits an offense if the person
17 intentionally, knowingly, or recklessly carries on or about his or
18 her person a handgun in a motor vehicle or watercraft that is owned
19 by the person or under the person's control at any time in which:

20 (1) the handgun is in plain view, unless the person is
21 licensed to carry a handgun under Subchapter H, Chapter 411,
22 Government Code, and the handgun is carried in a shoulder or belt
23 holster; or

24 (2) the person is:

25 (A) engaged in criminal activity, other than a
26 Class C misdemeanor that is a violation of a law or ordinance
27 regulating traffic or boating;

1 (B) prohibited by law from possessing a firearm;

2 or

3 (C) a member of a criminal street gang, as
4 defined by Section 71.01.

5 SECTION 46. Section 46.03(f), Penal Code, is amended to
6 read as follows:

7 (f) It is not a defense to prosecution under this section
8 that the actor possessed a handgun and was licensed to carry a
9 ~~[concealed]~~ handgun under Subchapter H, Chapter 411, Government
10 Code.

11 SECTION 47. Section 46.035, Penal Code, is amended by
12 amending Subsections (a), (b), (c), (d), (g), (h), (i), and (j) and
13 adding Subsection (a-1) to read as follows:

14 (a) A license holder commits an offense if the license
15 holder carries a handgun on or about the license holder's person
16 under the authority of Subchapter H, Chapter 411, Government Code,
17 and intentionally displays the handgun in plain view of another
18 person in a public place. It is an exception to the application of
19 this subsection that the handgun was partially or wholly visible
20 but was carried in a shoulder or belt holster by the license holder.

21 (a-1) Notwithstanding Subsection (a), a license holder
22 commits an offense if the license holder carries a partially or
23 wholly visible handgun, regardless of whether the handgun is
24 holstered, on or about the license holder's person under the
25 authority of Subchapter H, Chapter 411, Government Code, and
26 intentionally displays the handgun in plain view of another person:

27 (1) on the premises of an institution of higher

1 education or private or independent institution of higher
2 education; or

3 (2) on any public or private driveway, street,
4 sidewalk or walkway, parking lot, parking garage, or other parking
5 area of an institution of higher education or private or
6 independent institution of higher education.

7 (b) A license holder commits an offense if the license
8 holder intentionally, knowingly, or recklessly carries a handgun
9 under the authority of Subchapter H, Chapter 411, Government Code,
10 regardless of whether the handgun is concealed or carried in a
11 shoulder or belt holster, on or about the license holder's person:

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

18 (2) on the premises where a high school, collegiate,
19 or professional sporting event or interscholastic event is taking
20 place, unless the license holder is a participant in the event and a
21 handgun is used in the event;

22 (3) on the premises of a correctional facility;

23 (4) on the premises of a hospital licensed under
24 Chapter 241, Health and Safety Code, or on the premises of a nursing
25 facility [~~home~~] licensed under Chapter 242, Health and Safety Code,
26 unless the license holder has written authorization of the hospital
27 or nursing facility [~~home~~] administration, as appropriate;

1 (5) in an amusement park; or

2 (6) on the premises of a church, synagogue, or other
3 established place of religious worship.

4 (c) A license holder commits an offense if the license
5 holder intentionally, knowingly, or recklessly carries a handgun
6 under the authority of Subchapter H, Chapter 411, Government Code,
7 regardless of whether the handgun is concealed or carried in a
8 shoulder or belt holster, at any meeting of a governmental entity.

9 (d) A license holder commits an offense if, while
10 intoxicated, the license holder carries a handgun under the
11 authority of Subchapter H, Chapter 411, Government Code, regardless
12 of whether the handgun is concealed or carried in a shoulder or belt
13 holster.

14 (g) An offense under this section [~~Subsection (a), (b), (c),~~
15 ~~(d), or (e)~~] is a Class A misdemeanor, unless the offense is
16 committed under Subsection (b)(1) or (b)(3), in which event the
17 offense is a felony of the third degree.

18 (h) It is a defense to prosecution under Subsection (a) or
19 (a-1) that the actor, at the time of the commission of the offense,
20 displayed the handgun under circumstances in which the actor would
21 have been justified in the use of force or deadly force under
22 Chapter 9.

23 (i) Subsections (b)(4), (b)(5), (b)(6), and (c) do not apply
24 if the actor was not given effective notice under Section 30.06 or
25 30.07.

26 (j) Subsections (a), (a-1), and (b)(1) do not apply to a
27 historical reenactment performed in compliance with the rules of

1 the Texas Alcoholic Beverage Commission.

2 SECTION 48. Section 46.035(f), Penal Code, is amended by
3 adding Subdivision (1-a) to read as follows:

4 (1-a) "Institution of higher education" and "private
5 or independent institution of higher education" have the meanings
6 assigned by Section 61.003, Education Code.

7 SECTION 49. Sections 46.15(a) and (b), Penal Code, are
8 amended to read as follows:

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

10 (1) peace officers or special investigators under
11 Article 2.122, Code of Criminal Procedure, and neither section
12 prohibits a peace officer or special investigator from carrying a
13 weapon in this state, including in an establishment in this state
14 serving the public, regardless of whether the peace officer or
15 special investigator is engaged in the actual discharge of the
16 officer's or investigator's duties while carrying the weapon;

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

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

21 (B) in compliance with policies and procedures
22 adopted by the Texas Department of Criminal Justice regarding the
23 possession of a weapon by an officer while on duty;

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

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

3 (B) authorized to carry a weapon under Section
4 76.0051, Government Code;

5 (4) an active judicial officer as defined by Section
6 411.201, Government Code, who is licensed to carry a [~~concealed~~]
7 handgun under Subchapter H, Chapter 411, Government Code;

8 (5) an honorably retired peace officer, qualified
9 retired law enforcement officer, federal criminal investigator, or
10 former reserve law enforcement officer who holds a certificate of
11 proficiency issued under Section 1701.357, Occupations Code, and is
12 carrying a photo identification that is issued by a federal, state,
13 or local law enforcement agency, as applicable, and that verifies
14 that the officer is:

15 (A) an honorably retired peace officer;

16 (B) a qualified retired law enforcement officer;

17 (C) a federal criminal investigator; or

18 (D) a former reserve law enforcement officer who
19 has served in that capacity not less than a total of 15 years with
20 one or more state or local law enforcement agencies;

21 (6) a district attorney, criminal district attorney,
22 county attorney, or municipal attorney who is licensed to carry a
23 [~~concealed~~] handgun under Subchapter H, Chapter 411, Government
24 Code;

25 (7) an assistant district attorney, assistant
26 criminal district attorney, or assistant county attorney who is
27 licensed to carry a [~~concealed~~] handgun under Subchapter H, Chapter

1 411, Government Code;

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

4 (A) licensed to carry a [~~concealed~~] handgun under
5 Subchapter H, Chapter 411, Government Code; and

6 (B) engaged in escorting the judicial officer; or

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

9 (b) Section 46.02 does not apply to a person who:

10 (1) is in the actual discharge of official duties as a
11 member of the armed forces or state military forces as defined by
12 Section 437.001, Government Code, or as a guard employed by a penal
13 institution;

14 (2) is traveling;

15 (3) is engaging in lawful hunting, fishing, or other
16 sporting activity on the immediate premises where the activity is
17 conducted, or is en route between the premises and the actor's
18 residence, motor vehicle, or watercraft, if the weapon is a type
19 commonly used in the activity;

20 (4) holds a security officer commission issued by the
21 Texas Private Security Board, if the person is engaged in the
22 performance of the person's duties as an officer commissioned under
23 Chapter 1702, Occupations Code, or is traveling to or from the
24 person's place of assignment and is wearing the officer's uniform
25 and carrying the officer's weapon in plain view;

26 (5) acts as a personal protection officer and carries
27 the person's security officer commission and personal protection

1 officer authorization, if the person:

2 (A) is engaged in the performance of the person's
3 duties as a personal protection officer under Chapter 1702,
4 Occupations Code, or is traveling to or from the person's place of
5 assignment; and

6 (B) is either:

7 (i) wearing the uniform of a security
8 officer, including any uniform or apparel described by Section
9 [1702.323\(d\)](#), Occupations Code, and carrying the officer's weapon in
10 plain view; or

11 (ii) not wearing the uniform of a security
12 officer and carrying the officer's weapon in a concealed manner;

13 (6) is carrying:

14 (A) a ~~[concealed handgun and a valid]~~ license
15 issued under Subchapter H, Chapter 411, Government Code, to carry a
16 ~~[concealed]~~ handgun; and

17 (B) a handgun:

18 (i) in a concealed manner; or

19 (ii) in a shoulder or belt holster;

20 (7) holds an alcoholic beverage permit or license or
21 is an employee of a holder of an alcoholic beverage permit or
22 license if the person is supervising the operation of the permitted
23 or licensed premises; or

24 (8) is a student in a law enforcement class engaging in
25 an activity required as part of the class, if the weapon is a type
26 commonly used in the activity and the person is:

27 (A) on the immediate premises where the activity

1 is conducted; or

2 (B) en route between those premises and the
3 person's residence and is carrying the weapon unloaded.

4 SECTION 50. Section 411.171(3), Government Code, is
5 repealed.

6 SECTION 51. The change in law made by this Act relating to
7 the authority of a license holder to openly carry a holstered
8 handgun applies to the carrying of a handgun on or after the
9 effective date of this Act by any person who:

10 (1) holds a license issued under Subchapter H, Chapter
11 411, Government Code, regardless of whether the person's license
12 was issued before, on, or after the effective date of this Act; or

13 (2) applies for the issuance of a license under that
14 subchapter, regardless of whether the person applied for the
15 license before, on, or after the effective date of this Act.

16 SECTION 52. The changes in law made by this Act to Sections
17 62.082 and 284.001, Parks and Wildlife Code, and to Sections 30.05,
18 30.06, 46.02, 46.03, 46.035, and 46.15, Penal Code, apply only to an
19 offense committed on or after the effective date of this Act. An
20 offense committed before the effective date of this Act is governed
21 by the law in effect on the date the offense was committed, and the
22 former law is continued in effect for that purpose. For purposes of
23 this section, an offense was committed before the effective date of
24 this Act if any element of the offense occurred before that date.

25 SECTION 53. Except as otherwise provided by this Act, this
26 Act takes effect January 1, 2016.

President of the Senate

Speaker of the House

I certify that H.B. No. 910 was passed by the House on April 20, 2015, by the following vote: Yeas 101, Nays 42, 1 present, not voting; that the motion to concur in Senate amendments to H.B. No. 910 failed on May 27, 2015, by the following vote: Yeas 63, Nays 79, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 910 on May 27, 2015, by a non-record vote and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 910 on May 29, 2015, by the following vote: Yeas 102, Nays 43, 1 present, not voting.

Chief Clerk of the House

H.B. No. 910

I certify that H.B. No. 910 was passed by the Senate, with amendments, on May 22, 2015, by the following vote: Yeas 19, Nays 12; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 910 on May 29, 2015, by the following vote: Yeas 20, Nays 11.

Secretary of the Senate

APPROVED: _____

Date

Governor

AN ACT

relating to certain offenses relating to carrying concealed handguns on property owned or leased by a governmental entity; providing a civil penalty.

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

SECTION 1. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.209 to read as follows:

Sec. 411.209. WRONGFUL EXCLUSION OF CONCEALED HANDGUN LICENSE HOLDER. (a) A state agency or a political subdivision of the state may not provide notice by a communication described by Section 30.06, Penal Code, or by any sign expressly referring to that law or to a concealed handgun license, that a license holder carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03 or 46.035, Penal Code.

(b) A state agency or a political subdivision of the state that violates Subsection (a) is liable for a civil penalty of:

(1) not less than \$1,000 and not more than \$1,500 for the first violation; and

(2) not less than \$10,000 and not more than \$10,500 for the second or a subsequent violation.

(c) Each day of a continuing violation of Subsection (a)

1 constitutes a separate violation.

2 (d) A citizen of this state or a person licensed to carry a
3 concealed handgun under this subchapter may file a complaint with
4 the attorney general that a state agency or political subdivision
5 is in violation of Subsection (a) if the citizen or person provides
6 the agency or subdivision a written notice that describes the
7 violation and specific location of the sign found to be in violation
8 and the agency or subdivision does not cure the violation before the
9 end of the third business day after the date of receiving the
10 written notice. A complaint filed under this subsection must
11 include evidence of the violation and a copy of the written notice.

12 (e) A civil penalty collected by the attorney general under
13 this section shall be deposited to the credit of the compensation to
14 victims of crime fund established under Subchapter B, Chapter 56,
15 Code of Criminal Procedure.

16 (f) Before a suit may be brought against a state agency or a
17 political subdivision of the state for a violation of Subsection
18 (a), the attorney general must investigate the complaint to
19 determine whether legal action is warranted. If legal action is
20 warranted, the attorney general must give the chief administrative
21 officer of the agency or political subdivision charged with the
22 violation a written notice that:

23 (1) describes the violation and specific location of
24 the sign found to be in violation;

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

27 (3) gives the agency or political subdivision 15 days

1 from receipt of the notice to remove the sign and cure the violation
2 to avoid the penalty, unless the agency or political subdivision
3 was found liable by a court for previously violating Subsection
4 (a).

5 (g) If the attorney general determines that legal action is
6 warranted and that the state agency or political subdivision has
7 not cured the violation within the 15-day period provided by
8 Subsection (f)(3), the attorney general or the appropriate county
9 or district attorney may sue to collect the civil penalty provided
10 by Subsection (b). The attorney general may also file a petition
11 for a writ of mandamus or apply for other appropriate equitable
12 relief. A suit or petition under this subsection may be filed in a
13 district court in Travis County or in a county in which the
14 principal office of the state agency or political subdivision is
15 located. The attorney general may recover reasonable expenses
16 incurred in obtaining relief under this subsection, including court
17 costs, reasonable attorney's fees, investigative costs, witness
18 fees, and deposition costs.

19 (h) Sovereign immunity to suit is waived and abolished to
20 the extent of liability created by this section.

21 SECTION 2. Section 46.035(c), Penal Code, is amended to
22 read as follows:

23 (c) A license holder commits an offense if the license
24 holder intentionally, knowingly, or recklessly carries a handgun
25 under the authority of Subchapter H, Chapter 411, Government Code,
26 regardless of whether the handgun is concealed, in the room or rooms
27 where a [at any] meeting of a governmental entity is held and if the

1 meeting is an open meeting subject to Chapter 551, Government Code,
2 and the entity provided notice as required by that chapter.

3 SECTION 3. The change in law made by this Act in amending
4 Section 46.035(c), Penal Code, applies only to an offense committed
5 on or after the effective date of this Act. An offense committed
6 before the effective date of this Act is governed by the law in
7 effect on the date the offense was committed, and the former law is
8 continued in effect for that purpose. For purposes of this section,
9 an offense was committed before the effective date of this Act if
10 any element of the offense occurred before that date.

11 SECTION 4. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 273 passed the Senate on March 18, 2015, by the following vote: Yeas 26, Nays 5.

Secretary of the Senate

I hereby certify that S.B. No. 273 passed the House on May 23, 2015, by the following vote: Yeas 116, Nays 23, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor