

1-1 By: Fletcher, et al. (Senate Sponsor - Birdwell) H.B. No. 972
 1-2 (In the Senate - Received from the House May 7, 2013;
 1-3 May 9, 2013, read first time and referred to Committee on Criminal
 1-4 Justice; May 15, 2013, reported favorably by the following vote:
 1-5 Yeas 4, Nays 3; May 15, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire		X		
1-8 Huffman	X			
1-9 Carona	X			
1-10 Hinojosa		X		
1-11 Patrick	X			
1-12 Rodriguez		X		
1-13 Schwertner	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the carrying of concealed handguns on the premises of
 1-18 and certain other locations associated with institutions of higher
 1-19 education.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Subchapter H, Chapter 411, Government Code, is
 1-22 amended by adding Section 411.2031 to read as follows:

1-23 Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON
 1-24 CERTAIN PREMISES OWNED OR LEASED BY INSTITUTION OF HIGHER
 1-25 EDUCATION. (a) For purposes of this section:

1-26 (1) "Institution of higher education" and "private or
 1-27 independent institution of higher education" have the meanings
 1-28 assigned by Section 61.003, Education Code.

1-29 (2) "License holder" means a person to whom a license
 1-30 to carry a concealed handgun has been issued under this subchapter,
 1-31 including a nonresident license issued under Section 411.173(a).
 1-32 The term does not include a person to whom a license to carry a
 1-33 concealed handgun has been issued by another state, regardless of
 1-34 whether a license issued by that state is recognized pursuant to an
 1-35 agreement negotiated by the governor under Section 411.173(b).

1-36 (3) "Premises" has the meaning assigned by Section
 1-37 46.035, Penal Code.

1-38 (b) The president or other chief executive officer of an
 1-39 institution of higher education in this state, on behalf of the
 1-40 institution, and after consulting with law enforcement, students,
 1-41 staff, and faculty of the institution, may adopt written rules or
 1-42 regulations prohibiting license holders from carrying handguns on
 1-43 premises owned or leased and operated by the institution, on any
 1-44 grounds or building owned or leased by the institution and on which
 1-45 an activity sponsored by the institution is being conducted, or on a
 1-46 passenger transportation vehicle of the institution. A written rule
 1-47 or regulation adopted under this subsection may remain in effect
 1-48 for not more than one year after the date of adoption and may be
 1-49 renewed, reenacted, or reenacted and amended by the institution
 1-50 only after consultation with students, staff, and faculty of the
 1-51 institution.

1-52 (c) An institution of higher education that does not adopt a
 1-53 rule or regulation under Subsection (b), or a private or
 1-54 independent institution of higher education that does not adopt a
 1-55 rule, regulation, or other provision or take any other action
 1-56 described by Section 46.03(j), Penal Code, shall adopt written
 1-57 rules or regulations concerning:

1-58 (1) the storage of handguns in dormitories or other
 1-59 residential facilities that are owned or leased and operated by the
 1-60 institution; and

1-61 (2) the carrying of concealed handguns by license

2-1 holders at collegiate sporting events or other official mass
 2-2 gatherings that take place on grounds or buildings owned or leased
 2-3 and operated by the institution.

2-4 (d) An institution of higher education or private or
 2-5 independent institution of higher education in this state may not
 2-6 adopt or enforce any rule, regulation, or other provision or take
 2-7 any other action, including posting notice under Section 30.06,
 2-8 Penal Code, prohibiting a student enrolled at that institution who
 2-9 holds a license to carry a concealed handgun under Subchapter H,
 2-10 Chapter 411, Government Code, from transporting or storing a
 2-11 handgun of the same category the student is licensed to carry or
 2-12 ammunition for that handgun in a locked, privately owned motor
 2-13 vehicle or a motor vehicle leased by or for the student:

2-14 (1) on a street or driveway located on the campus of
 2-15 the institution; or

2-16 (2) in a parking lot, parking garage, or other parking
 2-17 area located on the campus of the institution.

2-18 (e) This section does not permit a person to possess a
 2-19 concealed handgun, or go with a concealed handgun, on the premises
 2-20 maintained or operated by an institution of higher education that
 2-21 is used for the operation of a national biocontainment laboratory,
 2-22 if the institution gives effective notice under Section 30.06,
 2-23 Penal Code.

2-24 SECTION 2. Section 411.208, Government Code, is amended by
 2-25 amending Subsections (a), (b), and (d) and adding Subsection (f) to
 2-26 read as follows:

2-27 (a) A court may not hold the state, an agency or subdivision
 2-28 of the state, an officer or employee of the state, an institution of
 2-29 higher education or a private or independent institution of higher
 2-30 education, an officer or employee of an institution of higher
 2-31 education or a private or independent institution of higher
 2-32 education, a peace officer, or a qualified handgun instructor
 2-33 liable for damages caused by:

2-34 (1) an action authorized under this subchapter or a
 2-35 failure to perform a duty imposed by this subchapter; or

2-36 (2) the actions of an applicant or license holder that
 2-37 occur after the applicant has received a license or been denied a
 2-38 license under this subchapter.

2-39 (b) A cause of action in damages may not be brought against
 2-40 the state, an agency or subdivision of the state, an officer or
 2-41 employee of the state, an institution of higher education or a
 2-42 private or independent institution of higher education, an officer
 2-43 or employee of an institution of higher education or a private or
 2-44 independent institution of higher education, a peace officer, or a
 2-45 qualified handgun instructor for any damage caused by the actions
 2-46 of an applicant or license holder under this subchapter.

2-47 (d) The immunities granted under Subsections (a), (b), and
 2-48 (c) do not apply to an act or a failure to act by the state, an
 2-49 agency or subdivision of the state, an officer of the state, an
 2-50 institution of higher education or a private or independent
 2-51 institution of higher education, an officer or employee of an
 2-52 institution of higher education or a private or independent
 2-53 institution of higher education, or a peace officer if the act or
 2-54 failure to act was capricious or arbitrary.

2-55 (f) For purposes of this section, "institution of higher
 2-56 education" and "private or independent institution of higher
 2-57 education" have the meanings assigned by Section 61.003, Education
 2-58 Code.

2-59 SECTION 3. Section 46.03, Penal Code, is amended by
 2-60 amending Subsections (a) and (c) and adding Subsections (j), (k),
 2-61 (l), (m), and (n) to read as follows:

2-62 (a) A person commits an offense if the person intentionally,
 2-63 knowingly, or recklessly possesses or goes with a firearm, illegal
 2-64 knife, club, or prohibited weapon listed in Section 46.05(a):

2-65 (1) on the ~~physical~~ premises of a school or
 2-66 ~~educational~~ institution of higher education or private or
 2-67 independent institution of higher education, any grounds or
 2-68 building on which an activity sponsored by a school or
 2-69 ~~educational~~ institution of higher education or private or

3-1 independent institution of higher education is being conducted, or
 3-2 a passenger transportation vehicle of a school or ~~[educational]~~
 3-3 institution of higher education or private or independent
 3-4 institution of higher education, whether the school or
 3-5 ~~[educational]~~ institution is public or private, unless:

3-6 (A) pursuant to written rules or regulations or
 3-7 written authorization of the school or institution; or

3-8 (B) the person possesses or goes on premises
 3-9 owned or leased and operated by an institution of higher education
 3-10 or private or independent institution of higher education, on any
 3-11 grounds or building owned or leased by the institution and on which
 3-12 an activity sponsored by the institution is being conducted, or on a
 3-13 passenger transportation vehicle of the institution with a
 3-14 concealed handgun that the person is licensed to carry pursuant to a
 3-15 license issued under Subchapter H, Chapter 411, Government Code;

3-16 (2) on the premises of a polling place on the day of an
 3-17 election or while early voting is in progress;

3-18 (3) on the premises of any government court or offices
 3-19 utilized by the court, unless pursuant to written regulations or
 3-20 written authorization of the court;

3-21 (4) on the premises of a racetrack;

3-22 (5) in or into a secured area of an airport; or

3-23 (6) within 1,000 feet of premises the location of
 3-24 which is designated by the Texas Department of Criminal Justice as a
 3-25 place of execution under Article 43.19, Code of Criminal Procedure,
 3-26 on a day that a sentence of death is set to be imposed on the
 3-27 designated premises and the person received notice that:

3-28 (A) going within 1,000 feet of the premises with
 3-29 a weapon listed under this subsection was prohibited; or

3-30 (B) possessing a weapon listed under this
 3-31 subsection within 1,000 feet of the premises was prohibited.

3-32 (c) In this section:

3-33 (1) "Institution of higher education" and "private or
 3-34 independent institution of higher education" have the meanings
 3-35 assigned by Section 61.003, Education Code.

3-36 (2) ~~[(1)]~~ "Premises" has the meaning assigned by
 3-37 Section 46.035.

3-38 (3) ~~[(2)]~~ "Secured area" means an area of an airport
 3-39 terminal building to which access is controlled by the inspection
 3-40 of persons and property under federal law.

3-41 (j) Subsection (a)(1)(B) does not preclude a private or
 3-42 independent institution of higher education from adopting a rule,
 3-43 regulation, or other provision or from taking any other action to
 3-44 prohibit license holders from carrying handguns on premises owned
 3-45 or leased and operated by the institution, on any grounds or
 3-46 building owned or leased by the institution and on which an activity
 3-47 sponsored by the institution is being conducted, or on a passenger
 3-48 transportation vehicle of the institution.

3-49 (k) Subsection (a)(1)(B) does not permit a person to possess
 3-50 a concealed handgun, or go with a concealed handgun, on the premises
 3-51 of a hospital maintained or operated by an institution of higher
 3-52 education or private or independent institution of higher education
 3-53 if the hospital gives notice under Section 30.06. In this
 3-54 subsection, "hospital" has the meaning assigned by Section 241.003,
 3-55 Health and Safety Code.

3-56 (l) Subsection (a)(1)(B) does not permit a person to possess
 3-57 a concealed handgun, or go with a concealed handgun, on the premises
 3-58 of a preschool, elementary school, or secondary school that is
 3-59 located on the grounds or premises of an institution of higher
 3-60 education or private or independent institution of higher education
 3-61 if the institution gives notice under Section 30.06.

3-62 (m) It is an exception to the application of Subsection
 3-63 (a)(1) that the actor possessed a firearm or club while traveling to
 3-64 or from the actor's place of assignment or in the actual discharge
 3-65 of the actor's duties as a security officer if:

3-66 (1) the actor holds a security officer commission
 3-67 issued by the Texas Private Security Board;

3-68 (2) the actor is wearing a distinctive uniform; and

3-69 (3) the firearm or club is in plain view.

4-1 (n) Subsection (a)(1)(B) does not permit a person to possess
4-2 a concealed handgun, or go with a concealed handgun, on the premises
4-3 maintained or operated by an institution of higher education that
4-4 is used for the operation of a national biocontainment laboratory,
4-5 if the institution gives notice under Section 30.06.

4-6 SECTION 4. Section 46.035, Penal Code, is amended by adding
4-7 Subsection (1) to read as follows:

4-8 (1) Subsection (b)(2) does not apply on premises owned or
4-9 leased and operated by an institution of higher education or
4-10 private or independent institution of higher education, as defined
4-11 by Section 61.003, Education Code, where a collegiate sporting
4-12 event sponsored by the institution is taking place unless the actor
4-13 is given notice under Section 30.06.

4-14 SECTION 5. Section 411.208, Government Code, as amended by
4-15 this Act, applies only to a cause of action that accrues on or after
4-16 the effective date of this Act. A cause of action that accrued
4-17 before the effective date of this Act is governed by the law in
4-18 effect immediately before the effective date of this Act, and the
4-19 former law is continued in effect for that purpose.

4-20 SECTION 6. Section 46.03, Penal Code, as amended by this
4-21 Act, and Section 46.035(1), Penal Code, as added by this Act, apply
4-22 only to an offense committed on or after the effective date of this
4-23 Act. An offense committed before the effective date of this Act is
4-24 governed by the law in effect on the date the offense was committed,
4-25 and the former law is continued in effect for that purpose. For
4-26 purposes of this section, an offense was committed before the
4-27 effective date of this Act if any element of the offense occurred
4-28 before that date.

4-29 SECTION 7. This Act takes effect January 1, 2014.

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