

By: Springer

H.B. No. 695

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the carrying of a concealed handgun by the holder of a
3 concealed handgun license on hospital or nursing home premises;
4 authorizing a penalty.

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

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

8 Sec. 411.2031. CARRYING OF HANDGUN BY LICENSE HOLDER ON
9 PRIVATE HOSPITAL OR NURSING HOME PREMISES. (a) For the purposes of
10 this section:

11 (1) "Commissioned security officer" has the meaning
12 assigned by Section 1702.002(5), Occupations Code.

13 (2) "Premises" has the meaning assigned by Section
14 46.035, Penal Code.

15 (3) "Private hospital" means a privately owned
16 hospital licensed under Chapter 241, Health and Safety Code.

17 (4) "Private nursing home" means a privately owned
18 nursing home licensed under Chapter 242, Health and Safety Code.

19 (b) Except as provided by Subsection (c), a private hospital
20 or nursing home may not adopt any rule, regulation, or other
21 provision prohibiting a license holder from carrying a handgun on
22 the premises of the hospital or nursing home.

23 (c) A private hospital or nursing home may adopt rules,
24 regulations, or other provisions prohibiting a license holder from

1 carrying a handgun on premises that are owned or leased and operated
2 by the hospital or nursing home only if the hospital or nursing
3 home:

4 (1) stations a commissioned security officer, who is
5 wearing the officer's uniform and carrying the officer's weapon in
6 plain view, at each entrance to the hospital or nursing home; and

7 (2) gives effective notice under Section 30.06, Penal
8 Code.

9 (d) The Department of State Health Services may assess an
10 administrative penalty under Subchapter C, Chapter 241, Health and
11 Safety Code, or Subchapter C, Chapter 242, Health and Safety Code,
12 for a violation of this section.

13 SECTION 2. Section 30.06(c), Penal Code, is amended by
14 adding Subdivisions (4) and (5) to read as follows:

15 (4) "Hospital" means a facility licensed under Chapter
16 241, Health and Safety Code.

17 (5) "Nursing home" means a facility licensed under
18 Chapter 242, Health and Safety Code.

19 SECTION 3. Section 30.06, Penal Code, is amended by
20 amending Subsection (e) and adding Subsection (f) to read as
21 follows:

22 (e) It is an exception to the application of this section
23 that the property on which the license holder carries a handgun is
24 owned or leased by a governmental entity, including a public
25 hospital or nursing home, and is not a premises or other place on
26 which the license holder is prohibited from carrying the handgun
27 under Section 46.03 or 46.035.

1 (f) It is an exception to the application of this section
2 that the property on which the license holder carries a handgun is a
3 private hospital or nursing home and the hospital or nursing home
4 has not:

5 (1) stationed a commissioned security officer at each
6 entrance to the hospital or nursing home, as required by Section
7 411.2031, Government Code; or

8 (2) given effective notice under this section.

9 SECTION 4. Sections 46.035(b) and (i), Penal Code, are
10 amended to read as follows:

11 (b) A license holder commits an offense if the license
12 holder intentionally, knowingly, or recklessly carries a handgun
13 under the authority of Subchapter H, Chapter 411, Government Code,
14 regardless of whether the handgun is concealed, on or about the
15 license holder's person:

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

22 (2) on the premises where a high school, collegiate,
23 or professional sporting event or interscholastic event is taking
24 place, unless the license holder is a participant in the event and a
25 handgun is used in the event;

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

27 (4) ~~on the premises of a hospital licensed under~~

1 ~~Chapter 241, Health and Safety Code, or on the premises of a nursing~~
2 ~~home licensed under Chapter 242, Health and Safety Code, unless the~~
3 ~~license holder has written authorization of the hospital or nursing~~
4 ~~home administration, as appropriate,~~

5 ~~(5)~~ in an amusement park; or

6 (5) ~~(6)~~ on the premises of a church, synagogue, or
7 other established place of religious worship.

8 (i) Subsections (b)(4), (b)(5), ~~(b)(6),~~ and (c) do not
9 apply if the actor was not given effective notice under Section
10 [30.06](#).

11 SECTION 5. Section [46.035](#)(h-1), Penal Code, as added by
12 Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular
13 Session, 2007, is amended to read as follows:

14 (h-1) It is a defense to prosecution under Subsections
15 (b)(1), (2), (4), and (5) ~~(4)-(6),~~ and (c) that at the time of the
16 commission of the offense, the actor was:

17 (1) a judge or justice of a federal court;

18 (2) an active judicial officer, as defined by Section
19 [411.201](#), Government Code; or

20 (3) a district attorney, assistant district attorney,
21 criminal district attorney, assistant criminal district attorney,
22 county attorney, or assistant county attorney.

23 SECTION 6. The change in law made by this Act applies only
24 to an offense committed on or after the effective date of this Act.
25 An offense committed before the effective date of this Act is
26 governed by the law in effect on the date the offense was committed,
27 and the former law is continued in effect for that purpose. For

1 purposes of this section, an offense was committed before the
2 effective date of this Act if any element of the offense occurred
3 before that date.

4 SECTION 7. This Act takes effect September 1, 2015.