

By: Birdwell, et al.

S.B. No. 11

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the carrying of handguns on the campuses of and certain  
3 other locations associated with institutions of higher education;  
4 providing a criminal 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 HANDGUNS BY LICENSE HOLDERS ON  
9 CERTAIN CAMPUSES. (a) For purposes of this section:

10 (1) "Campus" means all land and buildings owned or  
11 leased by an institution of higher education or private or  
12 independent institution of higher education.

13 (2) "Institution of higher education" and "private or  
14 independent institution of higher education" have the meanings  
15 assigned by Section 61.003, Education Code.

16 (3) "Premises" has the meaning assigned by Section  
17 46.035, Penal Code.

18 (b) A license holder may carry a concealed handgun on or  
19 about the license holder's person while the license holder is on the  
20 campus of an institution of higher education or private or  
21 independent institution of higher education in this state.

22 (c) Except as provided by Subsection (d) or (e), an  
23 institution of higher education or private or independent  
24 institution of higher education in this state may not adopt any

1 rule, regulation, or other provision prohibiting license holders  
2 from carrying handguns on the campus of the institution.

3 (d) An institution of higher education or private or  
4 independent institution of higher education in this state may  
5 establish rules, regulations, or other provisions concerning the  
6 storage of handguns in dormitories or other residential facilities  
7 that are owned or leased and operated by the institution and located  
8 on the campus of the institution.

9 (e) A private or independent institution of higher  
10 education in this state, after consulting with students, staff, and  
11 faculty of the institution, may establish rules, regulations, or  
12 other provisions prohibiting license holders from carrying  
13 handguns on the campus of the institution, any grounds or building  
14 on which an activity sponsored by the institution is being  
15 conducted, or a passenger transportation vehicle owned by the  
16 institution.

17 (f) This section does not permit a person to possess a  
18 concealed handgun, or go with a concealed handgun, on the premises  
19 of a hospital maintained or operated by an institution of higher  
20 education or private or independent institution of higher education  
21 if the hospital gives effective notice under Section 30.06, Penal  
22 Code. In this subsection, "hospital" has the meaning assigned by  
23 Section 241.003, Health and Safety Code.

24 (g) This section does not permit a person to possess a  
25 concealed handgun, or go with a concealed handgun, on the premises  
26 of a preschool, elementary school, or secondary school that is  
27 located on the campus of an institution of higher education or

1 private or independent institution of higher education if the  
2 institution gives effective notice under Section 30.06, Penal Code.

3 SECTION 2. Section 411.208, Government Code, is amended by  
4 amending Subsections (a), (b), and (d) and adding Subsection (f) to  
5 read as follows:

6 (a) A court may not hold the state, an agency or subdivision  
7 of the state, an officer or employee of the state, an institution of  
8 higher education, an officer or employee of an institution of  
9 higher education, a private or independent institution of higher  
10 education that has not adopted rules under Section 411.2031(e), an  
11 officer or employee of a private or independent institution of  
12 higher education that has not adopted rules under Section  
13 411.2031(e), a peace officer, or a qualified handgun instructor  
14 liable for damages caused by:

15 (1) an action authorized under this subchapter or a  
16 failure to perform a duty imposed by this subchapter; or

17 (2) the actions of an applicant or license holder that  
18 occur after the applicant has received a license or been denied a  
19 license under this subchapter.

20 (b) A cause of action in damages may not be brought against  
21 the state, an agency or subdivision of the state, an officer or  
22 employee of the state, an institution of higher education, an  
23 officer or employee of an institution of higher education, a  
24 private or independent institution of higher education that has not  
25 adopted rules under Section 411.2031(e), an officer or employee of  
26 a private or independent institution of higher education that has  
27 not adopted rules under Section 411.2031(e), a peace officer, or a

1 qualified handgun instructor for any damage caused by the actions  
2 of an applicant or license holder under this subchapter.

3 (d) The immunities granted under Subsections (a), (b), and  
4 (c) do not apply to:

5 (1) an act or a failure to act by the state, an agency  
6 or subdivision of the state, an officer of the state, an institution  
7 of higher education, an officer or employee of an institution of  
8 higher education, a private or independent institution of higher  
9 education that has not adopted rules under Section 411.2031(e), an  
10 officer or employee of a private or independent institution of  
11 higher education that has not adopted rules under Section  
12 411.2031(e), or a peace officer if the act or failure to act was  
13 capricious or arbitrary; or

14 (2) any officer or employee of an institution of  
15 higher education or private or independent institution of higher  
16 education described by Subdivision (1) who possesses a handgun on  
17 the campus of that institution and whose conduct with regard to the  
18 handgun is made the basis of a claim for personal injury or property  
19 damage.

20 (f) For purposes of this section:

21 (1) "Campus" has the meaning assigned by Section  
22 411.2031.

23 (2) "Institution of higher education" and "private or  
24 independent institution of higher education" have the meanings  
25 assigned by Section 61.003, Education Code.

26 SECTION 3. Section 46.03, Penal Code, is amended by  
27 amending Subsections (a) and (c) and adding Subsections (j) and (k)

1 to read as follows:

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

5 (1) on the physical premises of a school or  
6 educational institution, any grounds or building on which an  
7 activity sponsored by a school or educational institution is being  
8 conducted, or a passenger transportation vehicle of a school or  
9 educational institution, whether the school or educational  
10 institution is public or private, unless:

11 (A) pursuant to written regulations or written  
12 authorization of the institution; or

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

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

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

26 (4) on the premises of a racetrack;

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

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

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

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

10          (c) In this section:

11           (1) "Institution of higher education" and "private or  
12 independent institution of higher education" have the meanings  
13 assigned by Section 61.003, Education Code.

14           (2) "Premises" has the meaning assigned by Section  
15 46.035.

16           (3) [~~2~~] "Secured area" means an area of an airport  
17 terminal building to which access is controlled by the inspection  
18 of persons and property under federal law.

19           (j) Subsection (a)(1)(B) does not permit a person to possess  
20 a concealed handgun, or go with a concealed handgun, on the premises  
21 of a hospital maintained or operated by an institution of higher  
22 education or private or independent institution of higher education  
23 if the hospital gives effective notice under Section 30.06. In this  
24 subsection, "hospital" has the meaning assigned by Section 241.003,  
25 Health and Safety Code.

26           (k) Subsection (a)(1)(B) does not permit a person to possess  
27 a concealed handgun, or go with a concealed handgun, on the premises

1 of a preschool, elementary school, or secondary school that is  
2 located on the premises of an institution of higher education or  
3 private or independent institution of higher education if the  
4 institution gives effective notice under Section 30.06.

5 SECTION 4. Section 46.035, Penal Code, is amended by  
6 amending Subsections (g), (h), and (j) and adding Subsections (a-1)  
7 and (l) to read as follows:

8 (a-1) Notwithstanding Subsection (a), a license holder  
9 commits an offense if the license holder carries a partially or  
10 wholly visible handgun, regardless of whether the handgun is  
11 holstered, on or about the license holder's person under the  
12 authority of Subchapter H, Chapter 411, Government Code, and  
13 intentionally or knowingly displays the handgun in plain view of  
14 another person:

15 (1) on the premises of an institution of higher  
16 education or private or independent institution of higher  
17 education; or

18 (2) on any public or private driveway, street,  
19 sidewalk or walkway, parking lot, parking garage, or other parking  
20 area of an institution of higher education or private or  
21 independent institution of higher education.

22 (g) An offense under Subsection (a), (a-1), (b), (c), (d),  
23 or (e) is a Class A misdemeanor, unless the offense is committed  
24 under Subsection (b)(1) or (b)(3), in which event the offense is a  
25 felony of the third degree.

26 (h) It is a defense to prosecution under Subsection (a) or  
27 (a-1) that the actor, at the time of the commission of the offense,

1 displayed the handgun under circumstances in which the actor would  
2 have been justified in the use of force or deadly force under  
3 Chapter 9.

4 (j) Subsections (a), (a-1), and (b)(1) do not apply to a  
5 historical reenactment performed in compliance with the rules of  
6 the Texas Alcoholic Beverage Commission.

7 (1) Subsection (b)(2) does not apply on the premises where a  
8 collegiate sporting event is taking place if the actor was not given  
9 effective notice under Section 30.06.

10 SECTION 5. Section 46.035(f), Penal Code, is amended by  
11 adding Subdivision (1-a) to read as follows:

12 (1-a) "Institution of higher education" and "private  
13 or independent institution of higher education" have the meanings  
14 assigned by Section 61.003, Education Code.

15 SECTION 6. Section 46.035, Penal Code, is amended by  
16 amending Subsections (g), (h), and (j) and adding Subsection (a-2)  
17 to read as follows:

18 (a-2) Notwithstanding Subsection (a) or Section 46.03(a), a  
19 license holder commits an offense if the license holder carries a  
20 handgun on the campus of a private or independent institution of  
21 higher education in this state that has established rules,  
22 regulations, or other provisions prohibiting license holders from  
23 carrying handguns pursuant to Section 411.2031(e), Government  
24 Code, or on the grounds or building on which an activity sponsored  
25 by such an institution is being conducted, or in a passenger  
26 transportation vehicle of such an institution, regardless of  
27 whether the handgun is concealed, provided the institution gives

1 effective notice under Section 30.06.

2 (g) An offense under Subsection (a), (a-2), (b), (c), (d),  
3 or (e) is a Class A misdemeanor, unless the offense is committed  
4 under Subsection (b)(1) or (b)(3), in which event the offense is a  
5 felony of the third degree.

6 (h) It is a defense to prosecution under Subsection (a) or  
7 (a-2) that the actor, at the time of the commission of the offense,  
8 displayed the handgun under circumstances in which the actor would  
9 have been justified in the use of force or deadly force under  
10 Chapter 9.

11 (j) Subsections (a), (a-2), and (b)(1) do not apply to a  
12 historical reenactment performed in compliance with the rules of  
13 the Texas Alcoholic Beverage Commission.

14 SECTION 7. Section 411.208, Government Code, as amended by  
15 this Act, applies only to a cause of action that accrues on or after  
16 the effective date of this Act. A cause of action that accrues  
17 before the effective date of this Act is governed by the law in  
18 effect immediately before that date, and that law is continued in  
19 effect for that purpose.

20 SECTION 8. The change in law made by this Act applies only  
21 to an offense committed on or after the effective date of this Act.  
22 An offense committed before the effective date of this Act is  
23 governed by the law in effect on the date the offense was committed,  
24 and the former law is continued in effect for that purpose. For  
25 purposes of this section, an offense was committed before the  
26 effective date of this Act if any element of the offense occurred  
27 before that date.

1 SECTION 9. This Act takes effect September 1, 2015.