

1-1 By: Estes, et al. S.B. No. 17  
 1-2 (In the Senate - Filed February 9, 2015; February 9, 2015,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 February 18, 2015, reported favorably by the following vote:  
 1-5 Yeas 7, Nays 2; February 18, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Huffman	X			
1-8 Ellis		X		
1-9 Birdwell	X			
1-10 Creighton	X			
1-11 Estes	X			
1-12 Fraser	X			
1-13 Nelson	X			
1-14 Schwertner	X			
1-15 Zaffirini		X		

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the authority of a person who is licensed to carry a  
 1-20 handgun to openly carry a holstered handgun; creating a criminal  
 1-21 offense; providing penalties.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 11.041(a), Alcoholic Beverage Code, is  
 1-24 amended to read as follows:

1-25 (a) Each holder of a permit who is not otherwise required to  
 1-26 display a sign under Section 411.204, Government Code, shall  
 1-27 display in a prominent place on the permit holder's premises a sign  
 1-28 giving notice that it is unlawful for a person to carry a weapon on  
 1-29 the premises unless the weapon is a ~~concealed~~ handgun the person  
 1-30 is licensed to carry under Subchapter H, Chapter 411, Government  
 1-31 Code.

1-32 SECTION 2. Section 11.61(e), Alcoholic Beverage Code, is  
 1-33 amended to read as follows:

1-34 (e) Except as provided by Subsection (f) or (i), the  
 1-35 commission or administrator shall cancel an original or renewal  
 1-36 permit if it is found, after notice and hearing, that the permittee  
 1-37 knowingly allowed a person to possess a firearm in a building on the  
 1-38 licensed premises. This subsection does not apply to a person:

1-39 (1) who holds a security officer commission issued  
 1-40 under Chapter 1702, Occupations Code, if:

1-41 (A) the person is engaged in the performance of  
 1-42 the person's duties as a security officer;

1-43 (B) the person is wearing a distinctive uniform;  
 1-44 and

1-45 (C) the weapon is in plain view;

1-46 (2) who is a peace officer;

1-47 (3) who is a permittee or an employee of a permittee if  
 1-48 the person is supervising the operation of the premises; or

1-49 (4) who possesses a ~~concealed~~ handgun the person is  
 1-50 licensed to carry under Subchapter H, Chapter 411, Government Code,  
 1-51 unless the person is on the premises of a business described by  
 1-52 Section 46.035(b)(1), Penal Code.

1-53 SECTION 3. Section 61.11(a), Alcoholic Beverage Code, is  
 1-54 amended to read as follows:

1-55 (a) Each holder of a license who is not otherwise required  
 1-56 to display a sign under Section 411.204, Government Code, shall  
 1-57 display in a prominent place on the license holder's premises a sign  
 1-58 giving notice that it is unlawful for a person to carry a weapon on  
 1-59 the premises unless the weapon is a ~~concealed~~ handgun the person  
 1-60 is licensed to carry under Subchapter H, Chapter 411, Government  
 1-61 Code.

2-1 SECTION 4. Section 61.71(f), Alcoholic Beverage Code, is  
2-2 amended to read as follows:

2-3 (f) Except as provided by Subsection (g) or (j), the  
2-4 commission or administrator shall cancel an original or renewal  
2-5 dealer's on-premises or off-premises license if it is found, after  
2-6 notice and hearing, that the licensee knowingly allowed a person to  
2-7 possess a firearm in a building on the licensed premises. This  
2-8 subsection does not apply to a person:

2-9 (1) who holds a security officer commission issued  
2-10 under Chapter 1702, Occupations Code, if:

2-11 (A) the person is engaged in the performance of  
2-12 the person's duties as a security officer;

2-13 (B) the person is wearing a distinctive uniform;  
2-14 and

2-15 (C) the weapon is in plain view;

2-16 (2) who is a peace officer;

2-17 (3) who is a licensee or an employee of a licensee if  
2-18 the person is supervising the operation of the premises; or

2-19 (4) who possesses a ~~concealed~~ handgun the person is  
2-20 licensed to carry under Subchapter H, Chapter 411, Government Code,  
2-21 unless the person is on the premises of a business described by  
2-22 Section 46.035(b)(1), Penal Code.

2-23 SECTION 5. Article 7A.05(c), Code of Criminal Procedure, is  
2-24 amended to read as follows:

2-25 (c) In a protective order, the court may suspend a license  
2-26 to carry a ~~concealed~~ handgun issued under Section 411.177,  
2-27 Government Code, that is held by the alleged offender.

2-28 SECTION 6. Article 17.292(1), Code of Criminal Procedure,  
2-29 is amended to read as follows:

2-30 (1) In the order for emergency protection, the magistrate  
2-31 shall suspend a license to carry a ~~concealed~~ handgun issued under  
2-32 Subchapter H, Chapter 411, Government Code, that is held by the  
2-33 defendant.

2-34 SECTION 7. Article 17.293, Code of Criminal Procedure, is  
2-35 amended to read as follows:

2-36 Art. 17.293. DELIVERY OF ORDER FOR EMERGENCY PROTECTION TO  
2-37 OTHER PERSONS. The magistrate or the clerk of the magistrate's  
2-38 court issuing an order for emergency protection under Article  
2-39 17.292 that suspends a license to carry a ~~concealed~~ handgun shall  
2-40 immediately send a copy of the order to the appropriate division of  
2-41 the Department of Public Safety at its Austin headquarters. On  
2-42 receipt of the order suspending the license, the department shall:

2-43 (1) record the suspension of the license in the  
2-44 records of the department;

2-45 (2) report the suspension to local law enforcement  
2-46 agencies, as appropriate; and

2-47 (3) demand surrender of the suspended license from the  
2-48 license holder.

2-49 SECTION 8. Sections 37.0811(d) and (f), Education Code, are  
2-50 amended to read as follows:

2-51 (d) Any written regulations adopted for purposes of  
2-52 Subsection (c) must provide that a school marshal may carry a  
2-53 ~~concealed~~ handgun as described by Subsection (c), except that if  
2-54 the primary duty of the school marshal involves regular, direct  
2-55 contact with students, the marshal may not carry a ~~concealed~~  
2-56 handgun but may possess a handgun on the physical premises of a  
2-57 school in a locked and secured safe within the marshal's immediate  
2-58 reach when conducting the marshal's primary duty. The written  
2-59 regulations must also require that a handgun carried by or within  
2-60 access of a school marshal may be loaded only with frangible  
2-61 ammunition designed to disintegrate on impact for maximum safety  
2-62 and minimal danger to others.

2-63 (f) A school district or charter school employee's status as  
2-64 a school marshal becomes inactive on:

2-65 (1) expiration of the employee's school marshal  
2-66 license under Section 1701.260, Occupations Code;

2-67 (2) suspension or revocation of the employee's license  
2-68 to carry a ~~concealed~~ handgun issued under Subchapter H, Chapter  
2-69 411, Government Code;

3-1 (3) termination of the employee's employment with the  
3-2 district or charter school; or  
3-3 (4) notice from the board of trustees of the district  
3-4 or the governing body of the charter school that the employee's  
3-5 services as school marshal are no longer required.

3-6 SECTION 9. Section 63.0101, Election Code, is amended to  
3-7 read as follows:

3-8 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.  
3-9 The following documentation is an acceptable form of photo  
3-10 identification under this chapter:

3-11 (1) a driver's license, election identification  
3-12 certificate, or personal identification card issued to the person  
3-13 by the Department of Public Safety that has not expired or that  
3-14 expired no earlier than 60 days before the date of presentation;

3-15 (2) a United States military identification card that  
3-16 contains the person's photograph that has not expired or that  
3-17 expired no earlier than 60 days before the date of presentation;

3-18 (3) a United States citizenship certificate issued to  
3-19 the person that contains the person's photograph;

3-20 (4) a United States passport issued to the person that  
3-21 has not expired or that expired no earlier than 60 days before the  
3-22 date of presentation; or

3-23 (5) a license to carry a [~~concealed~~] handgun issued to  
3-24 the person by the Department of Public Safety that has not expired  
3-25 or that expired no earlier than 60 days before the date of  
3-26 presentation.

3-27 SECTION 10. Section 2.005(b), Family Code, is amended to  
3-28 read as follows:

3-29 (b) The proof must be established by:

3-30 (1) a driver's license or identification card issued  
3-31 by this state, another state, or a Canadian province that is current  
3-32 or has expired not more than two years preceding the date the  
3-33 identification is submitted to the county clerk in connection with  
3-34 an application for a license;

3-35 (2) a United States passport;

3-36 (3) a current passport issued by a foreign country or a  
3-37 consular document issued by a state or national government;

3-38 (4) an unexpired Certificate of United States  
3-39 Citizenship, Certificate of Naturalization, United States Citizen  
3-40 Identification Card, Permanent Resident Card, Temporary Resident  
3-41 Card, Employment Authorization Card, or other document issued by  
3-42 the federal Department of Homeland Security or the United States  
3-43 Department of State including an identification photograph;

3-44 (5) an unexpired military identification card for  
3-45 active duty, reserve, or retired personnel with an identification  
3-46 photograph;

3-47 (6) an original or certified copy of a birth  
3-48 certificate issued by a bureau of vital statistics for a state or a  
3-49 foreign government;

3-50 (7) an original or certified copy of a Consular Report  
3-51 of Birth Abroad or Certificate of Birth Abroad issued by the United  
3-52 States Department of State;

3-53 (8) an original or certified copy of a court order  
3-54 relating to the applicant's name change or sex change;

3-55 (9) school records from a secondary school or  
3-56 institution of higher education;

3-57 (10) an insurance policy continuously valid for the  
3-58 two years preceding the date of the application for a license;

3-59 (11) a motor vehicle certificate of title;

3-60 (12) military records, including documentation of  
3-61 release or discharge from active duty or a draft record;

3-62 (13) an unexpired military dependent identification  
3-63 card;

3-64 (14) an original or certified copy of the applicant's  
3-65 marriage license or divorce decree;

3-66 (15) a voter registration certificate;

3-67 (16) a pilot's license issued by the Federal Aviation  
3-68 Administration or another authorized agency of the United States;

3-69 (17) a license to carry a [~~concealed~~] handgun under

4-1 Subchapter H, Chapter 411, Government Code;  
4-2 (18) a temporary driving permit or a temporary  
4-3 identification card issued by the Department of Public Safety; or  
4-4 (19) an offender identification card issued by the  
4-5 Texas Department of Criminal Justice.

4-6 SECTION 11. Section 58.003(m), Family Code, is amended to  
4-7 read as follows:

4-8 (m) On request of the Department of Public Safety, a  
4-9 juvenile court shall reopen and allow the department to inspect the  
4-10 files and records of the juvenile court relating to an applicant for  
4-11 a license to carry a ~~[concealed]~~ handgun under Subchapter H,  
4-12 Chapter 411, Government Code.

4-13 SECTION 12. Section 85.022(d), Family Code, is amended to  
4-14 read as follows:

4-15 (d) In a protective order, the court shall suspend a license  
4-16 to carry a ~~[concealed]~~ handgun issued under Subchapter H, Chapter  
4-17 411, Government Code, that is held by a person found to have  
4-18 committed family violence.

4-19 SECTION 13. Section 85.042(e), Family Code, is amended to  
4-20 read as follows:

4-21 (e) The clerk of the court issuing an original or modified  
4-22 protective order under Section 85.022 that suspends a license to  
4-23 carry a ~~[concealed]~~ handgun shall send a copy of the order to the  
4-24 appropriate division of the Department of Public Safety at its  
4-25 Austin headquarters. On receipt of the order suspending the  
4-26 license, the department shall:

4-27 (1) record the suspension of the license in the  
4-28 records of the department;

4-29 (2) report the suspension to local law enforcement  
4-30 agencies, as appropriate; and

4-31 (3) demand surrender of the suspended license from the  
4-32 license holder.

4-33 SECTION 14. The heading to Section 411.047, Government  
4-34 Code, is amended to read as follows:

4-35 Sec. 411.047. REPORTING RELATED TO CERTAIN ~~[CONCEALED]~~  
4-36 HANDGUN INCIDENTS INVOLVING LICENSE HOLDERS.

4-37 SECTION 15. Section 411.0625, Government Code, is amended  
4-38 to read as follows:

4-39 Sec. 411.0625. PASS FOR EXPEDITED ACCESS TO CAPITOL.

4-40 (a) The department shall allow a person to enter the Capitol and  
4-41 the Capitol Extension, including any public space in the Capitol or  
4-42 Capitol Extension, in the same manner as the department allows  
4-43 entry to a person who presents a ~~[concealed-handgun]~~ license to  
4-44 carry a handgun under Subchapter H if the person:

4-45 (1) obtains from the department a Capitol access pass;  
4-46 and

4-47 (2) presents the pass to the appropriate law  
4-48 enforcement official when entering the building or a space within  
4-49 the building.

4-50 (b) To be eligible for a Capitol access pass, a person must  
4-51 meet the eligibility requirements applicable to a license to carry  
4-52 a ~~[concealed]~~ handgun under Subchapter H, other than requirements  
4-53 regarding evidence of handgun proficiency.

4-54 (c) The department shall adopt rules to establish a  
4-55 procedure by which a resident of the state may apply for and be  
4-56 issued a Capitol access pass. Rules adopted under this section  
4-57 must include provisions for eligibility, application, approval,  
4-58 issuance, and renewal that:

4-59 (1) require the department to conduct the same  
4-60 background check on an applicant for a Capitol access pass that is  
4-61 conducted on an applicant for a ~~[concealed-handgun]~~ license to  
4-62 carry a handgun under Subchapter H;

4-63 (2) enable the department to conduct the background  
4-64 check described by Subdivision (1); and

4-65 (3) establish application and renewal fees in amounts  
4-66 sufficient to cover the cost of administering this section, not to  
4-67 exceed the amounts of similar fees required under Section 411.174  
4-68 for a ~~[concealed-handgun]~~ license to carry a handgun ~~[under Section~~  
4-69 411.174].



5-1 SECTION 16. The heading to Subchapter H, Chapter 411,  
5-2 Government Code, is amended to read as follows:

5-3 SUBCHAPTER H. LICENSE TO CARRY A [CONCEALED] HANDGUN

5-4 SECTION 17. Sections 411.172(a), (b-1), (g), and (h),  
5-5 Government Code, are amended to read as follows:

5-6 (a) A person is eligible for a license to carry a  
5-7 [concealed] handgun if the person:

5-8 (1) is a legal resident of this state for the six-month  
5-9 period preceding the date of application under this subchapter or  
5-10 is otherwise eligible for a license under Section 411.173(a);

5-11 (2) is at least 21 years of age;

5-12 (3) has not been convicted of a felony;

5-13 (4) is not charged with the commission of a Class A or  
5-14 Class B misdemeanor or equivalent offense, or of an offense under  
5-15 Section 42.01, Penal Code, or equivalent offense, or of a felony  
5-16 under an information or indictment;

5-17 (5) is not a fugitive from justice for a felony or a  
5-18 Class A or Class B misdemeanor or equivalent offense;

5-19 (6) is not a chemically dependent person;

5-20 (7) is not incapable of exercising sound judgment with  
5-21 respect to the proper use and storage of a handgun;

5-22 (8) has not, in the five years preceding the date of  
5-23 application, been convicted of a Class A or Class B misdemeanor or  
5-24 equivalent offense or of an offense under Section 42.01, Penal  
5-25 Code, or equivalent offense;

5-26 (9) is fully qualified under applicable federal and  
5-27 state law to purchase a handgun;

5-28 (10) has not been finally determined to be delinquent  
5-29 in making a child support payment administered or collected by the  
5-30 attorney general;

5-31 (11) has not been finally determined to be delinquent  
5-32 in the payment of a tax or other money collected by the comptroller,  
5-33 the tax collector of a political subdivision of the state, or any  
5-34 agency or subdivision of the state;

5-35 (12) is not currently restricted under a court  
5-36 protective order or subject to a restraining order affecting the  
5-37 spousal relationship, other than a restraining order solely  
5-38 affecting property interests;

5-39 (13) has not, in the 10 years preceding the date of  
5-40 application, been adjudicated as having engaged in delinquent  
5-41 conduct violating a penal law of the grade of felony; and

5-42 (14) has not made any material misrepresentation, or  
5-43 failed to disclose any material fact, in an application submitted  
5-44 pursuant to Section 411.174.

5-45 (b-1) An offense is not considered a felony for purposes of  
5-46 Subsection (b) if, at the time of a person's application for a  
5-47 license to carry a [concealed] handgun, the offense:

5-48 (1) is not designated by a law of this state as a  
5-49 felony; and

5-50 (2) does not contain all the elements of any offense  
5-51 designated by a law of this state as a felony.

5-52 (g) Notwithstanding Subsection (a)(2), a person who is at  
5-53 least 18 years of age but not yet 21 years of age is eligible for a  
5-54 license to carry a [concealed] handgun if the person:

5-55 (1) is a member or veteran of the United States armed  
5-56 forces, including a member or veteran of the reserves or national  
5-57 guard;

5-58 (2) was discharged under honorable conditions, if  
5-59 discharged from the United States armed forces, reserves, or  
5-60 national guard; and

5-61 (3) meets the other eligibility requirements of  
5-62 Subsection (a) except for the minimum age required by federal law to  
5-63 purchase a handgun.

5-64 (h) The issuance of a license to carry a [concealed] handgun  
5-65 to a person eligible under Subsection (g) does not affect the  
5-66 person's ability to purchase a handgun or ammunition under federal  
5-67 law.

5-68 SECTION 18. Section 411.173(b), Government Code, is amended  
5-69 to read as follows:

6-1 (b) The governor shall negotiate an agreement with any other  
6-2 state that provides for the issuance of a license to carry a  
6-3 ~~concealed~~ handgun under which a license issued by the other state  
6-4 is recognized in this state or shall issue a proclamation that a  
6-5 license issued by the other state is recognized in this state if the  
6-6 attorney general of the State of Texas determines that a background  
6-7 check of each applicant for a license issued by that state is  
6-8 initiated by state or local authorities or an agent of the state or  
6-9 local authorities before the license is issued. For purposes of  
6-10 this subsection, "background check" means a search of the National  
6-11 Crime Information Center database and the Interstate  
6-12 Identification Index maintained by the Federal Bureau of  
6-13 Investigation.

6-14 SECTION 19. Section 411.174(a), Government Code, is amended  
6-15 to read as follows:

6-16 (a) An applicant for a license to carry a ~~concealed~~  
6-17 handgun must submit to the director's designee described by Section  
6-18 411.176:

6-19 (1) a completed application on a form provided by the  
6-20 department that requires only the information listed in Subsection  
6-21 (b);

6-22 (2) one or more photographs of the applicant that meet  
6-23 the requirements of the department;

6-24 (3) a certified copy of the applicant's birth  
6-25 certificate or certified proof of age;

6-26 (4) proof of residency in this state;

6-27 (5) two complete sets of legible and classifiable  
6-28 fingerprints of the applicant taken by a person appropriately  
6-29 trained in recording fingerprints who is employed by a law  
6-30 enforcement agency or by a private entity designated by a law  
6-31 enforcement agency as an entity qualified to take fingerprints of  
6-32 an applicant for a license under this subchapter;

6-33 (6) a nonrefundable application and license fee of  
6-34 \$140 paid to the department;

6-35 (7) evidence of handgun proficiency, in the form and  
6-36 manner required by the department;

6-37 (8) an affidavit signed by the applicant stating that  
6-38 the applicant:

6-39 (A) has read and understands each provision of  
6-40 this subchapter that creates an offense under the laws of this state  
6-41 and each provision of the laws of this state related to use of  
6-42 deadly force; and

6-43 (B) fulfills all the eligibility requirements  
6-44 listed under Section 411.172; and

6-45 (9) a form executed by the applicant that authorizes  
6-46 the director to make an inquiry into any noncriminal history  
6-47 records that are necessary to determine the applicant's eligibility  
6-48 for a license under Section 411.172(a).

6-49 SECTION 20. Section 411.177(a), Government Code, is amended  
6-50 to read as follows:

6-51 (a) The department shall issue a license to carry a  
6-52 ~~concealed~~ handgun to an applicant if the applicant meets all the  
6-53 eligibility requirements and submits all the application  
6-54 materials. The department shall administer the licensing  
6-55 procedures in good faith so that any applicant who meets all the  
6-56 eligibility requirements and submits all the application materials  
6-57 shall receive a license. The department may not deny an application  
6-58 on the basis of a capricious or arbitrary decision by the  
6-59 department.

6-60 SECTION 21. Section 411.185(c), Government Code, is amended  
6-61 to read as follows:

6-62 (c) The director by rule shall adopt an informational form  
6-63 that describes state law regarding the use of deadly force and the  
6-64 places where it is unlawful for the holder of a license issued under  
6-65 this subchapter to carry a ~~concealed~~ handgun. An applicant for a  
6-66 renewed license must sign and return the informational form to the  
6-67 department by mail or acknowledge the form electronically on the  
6-68 Internet according to the procedure adopted under Subsection (f).

6-69 SECTION 22. Section 411.188(g), Government Code, is amended

7-1 to read as follows:

7-2 (g) A person who wishes to obtain a license to carry a  
7-3 ~~concealed~~ handgun must apply in person to a qualified handgun  
7-4 instructor to take the appropriate course in handgun proficiency  
7-5 and demonstrate handgun proficiency as required by the department.

7-6 SECTION 23. Sections 411.190(c) and (f), Government Code,  
7-7 are amended to read as follows:

7-8 (c) In the manner applicable to a person who applies for a  
7-9 license to carry a ~~concealed~~ handgun, the department shall  
7-10 conduct a background check of a person who applies for  
7-11 certification as a qualified handgun instructor. If the background  
7-12 check indicates that the applicant for certification would not  
7-13 qualify to receive a handgun license, the department may not  
7-14 certify the applicant as a qualified handgun instructor. If the  
7-15 background check indicates that the applicant for certification  
7-16 would qualify to receive a handgun license, the department shall  
7-17 provide handgun instructor training to the applicant. The  
7-18 applicant shall pay a fee of \$100 to the department for the  
7-19 training. The applicant must take and successfully complete the  
7-20 training offered by the department and pay the training fee before  
7-21 the department may certify the applicant as a qualified handgun  
7-22 instructor. The department shall issue a license to carry a  
7-23 ~~concealed~~ handgun under the authority of this subchapter to any  
7-24 person who is certified as a qualified handgun instructor and who  
7-25 pays to the department a fee of \$100 in addition to the training  
7-26 fee. The department by rule may prorate or waive the training fee  
7-27 for an employee of another governmental entity.

7-28 (f) If the department determines that a reason exists to  
7-29 revoke, suspend, or deny a license to carry a ~~concealed~~ handgun  
7-30 with respect to a person who is a qualified handgun instructor or an  
7-31 applicant for certification as a qualified handgun instructor, the  
7-32 department shall take that action against the person's:

7-33 (1) license to carry a ~~concealed~~ handgun if the  
7-34 person is an applicant for or the holder of a license issued under  
7-35 this subchapter; and

7-36 (2) certification as a qualified handgun instructor.

7-37 SECTION 24. Section 411.1901(c), Government Code, is  
7-38 amended to read as follows:

7-39 (c) A qualified handgun instructor certified in school  
7-40 safety under this section may provide school safety training,  
7-41 including instruction in the subjects listed under Subsection (a),  
7-42 to employees of a school district or an open-enrollment charter  
7-43 school who hold a license to carry a ~~concealed~~ handgun issued  
7-44 under this subchapter.

7-45 SECTION 25. Section 411.198(a), Government Code, is amended  
7-46 to read as follows:

7-47 (a) On written approval of the director, the department may  
7-48 issue to a law enforcement officer an alias license to carry a  
7-49 ~~concealed~~ handgun to be used in supervised activities involving  
7-50 criminal investigations.

7-51 SECTION 26. Sections 411.201(c), (d), (e), and (h),  
7-52 Government Code, are amended to read as follows:

7-53 (c) An active judicial officer is eligible for a license to  
7-54 carry a ~~concealed~~ handgun under the authority of this subchapter.  
7-55 A retired judicial officer is eligible for a license to carry a  
7-56 ~~concealed~~ handgun under the authority of this subchapter if the  
7-57 officer:

7-58 (1) has not been convicted of a felony;

7-59 (2) has not, in the five years preceding the date of  
7-60 application, been convicted of a Class A or Class B misdemeanor or  
7-61 equivalent offense;

7-62 (3) is not charged with the commission of a Class A or  
7-63 Class B misdemeanor or equivalent offense or of a felony under an  
7-64 information or indictment;

7-65 (4) is not a chemically dependent person; and

7-66 (5) is not a person of unsound mind.

7-67 (d) An applicant for a license who is an active or retired  
7-68 judicial officer must submit to the department:

7-69 (1) a completed application, including all required

8-1 affidavits, on a form prescribed by the department;

8-2 (2) one or more photographs of the applicant that meet  
8-3 the requirements of the department;

8-4 (3) two complete sets of legible and classifiable  
8-5 fingerprints of the applicant, including one set taken by a person  
8-6 employed by a law enforcement agency who is appropriately trained  
8-7 in recording fingerprints;

8-8 (4) evidence of handgun proficiency, in the form and  
8-9 manner required by the department for an applicant under this  
8-10 section;

8-11 (5) a nonrefundable application and license fee set by  
8-12 the department in an amount reasonably designed to cover the  
8-13 administrative costs associated with issuance of a license to carry  
8-14 a ~~[concealed]~~ handgun under this subchapter; and

8-15 (6) if the applicant is a retired judicial officer, a  
8-16 form executed by the applicant that authorizes the department to  
8-17 make an inquiry into any noncriminal history records that are  
8-18 necessary to determine the applicant's eligibility for a license  
8-19 under this subchapter.

8-20 (e) On receipt of all the application materials required by  
8-21 this section, the department shall:

8-22 (1) if the applicant is an active judicial officer,  
8-23 issue a license to carry a ~~[concealed]~~ handgun under the authority  
8-24 of this subchapter; or

8-25 (2) if the applicant is a retired judicial officer,  
8-26 conduct an appropriate background investigation to determine the  
8-27 applicant's eligibility for the license and, if the applicant is  
8-28 eligible, issue a license to carry a ~~[concealed]~~ handgun under the  
8-29 authority of this subchapter.

8-30 (h) The department shall issue a license to carry a  
8-31 ~~[concealed]~~ handgun under the authority of this subchapter to an  
8-32 elected attorney representing the state in the prosecution of  
8-33 felony cases who meets the requirements of this section for an  
8-34 active judicial officer. The department shall waive any fee  
8-35 required for the issuance of an original, duplicate, or renewed  
8-36 license under this subchapter for an applicant who is an attorney  
8-37 elected or employed to represent the state in the prosecution of  
8-38 felony cases.

8-39 SECTION 27. Section 411.203, Government Code, is amended to  
8-40 read as follows:

8-41 Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does  
8-42 not prevent or otherwise limit the right of a public or private  
8-43 employer to prohibit persons who are licensed under this subchapter  
8-44 from carrying a ~~[concealed]~~ handgun on the premises of the  
8-45 business. In this section, "premises" has the meaning assigned by  
8-46 Section 46.035(f)(3), Penal Code.

8-47 SECTION 28. Section 411.2032(b), Government Code, is  
8-48 amended to read as follows:

8-49 (b) An institution of higher education or private or  
8-50 independent institution of higher education in this state may not  
8-51 adopt or enforce any rule, regulation, or other provision or take  
8-52 any other action, including posting notice under Section 30.06 or  
8-53 30.07, Penal Code, prohibiting or placing restrictions on the  
8-54 storage or transportation of a firearm or ammunition in a locked,  
8-55 privately owned or leased motor vehicle by a person, including a  
8-56 student enrolled at that institution, who holds a license to carry a  
8-57 ~~[concealed]~~ handgun under this subchapter and lawfully possesses  
8-58 the firearm or ammunition:

8-59 (1) on a street or driveway located on the campus of  
8-60 the institution; or

8-61 (2) in a parking lot, parking garage, or other parking  
8-62 area located on the campus of the institution.

8-63 SECTION 29. Section 12.092(b), Health and Safety Code, is  
8-64 amended to read as follows:

8-65 (b) The medical advisory board shall assist the Department  
8-66 of Public Safety of the State of Texas in determining whether:

8-67 (1) an applicant for a driver's license or a license  
8-68 holder is capable of safely operating a motor vehicle; or

8-69 (2) an applicant for or holder of a license to carry a



9-1 [~~concealed~~] handgun under the authority of Subchapter H, Chapter  
9-2 411, Government Code, or an applicant for or holder of a commission  
9-3 as a security officer under Chapter 1702, Occupations Code, is  
9-4 capable of exercising sound judgment with respect to the proper use  
9-5 and storage of a handgun.

9-6 SECTION 30. Sections 52.061 and 52.062, Labor Code, are  
9-7 amended to read as follows:

9-8 Sec. 52.061. RESTRICTION ON PROHIBITING EMPLOYEE ACCESS TO  
9-9 OR STORAGE OF FIREARM OR AMMUNITION. A public or private employer  
9-10 may not prohibit an employee who holds a license to carry a  
9-11 [~~concealed~~] handgun under Subchapter H, Chapter 411, Government  
9-12 Code, who otherwise lawfully possesses a firearm, or who lawfully  
9-13 possesses ammunition from transporting or storing a firearm or  
9-14 ammunition the employee is authorized by law to possess in a locked,  
9-15 privately owned motor vehicle in a parking lot, parking garage, or  
9-16 other parking area the employer provides for employees.

9-17 Sec. 52.062. EXCEPTIONS. (a) Section 52.061 does not:

9-18 (1) authorize a person who holds a license to carry a  
9-19 [~~concealed~~] handgun under Subchapter H, Chapter 411, Government  
9-20 Code, who otherwise lawfully possesses a firearm, or who lawfully  
9-21 possesses ammunition to possess a firearm or ammunition on any  
9-22 property where the possession of a firearm or ammunition is  
9-23 prohibited by state or federal law; or

9-24 (2) apply to:

9-25 (A) a vehicle owned or leased by a public or  
9-26 private employer and used by an employee in the course and scope of  
9-27 the employee's employment, unless the employee is required to  
9-28 transport or store a firearm in the official discharge of the  
9-29 employee's duties;

9-30 (B) a school district;

9-31 (C) an open-enrollment charter school, as  
9-32 defined by Section 5.001, Education Code;

9-33 (D) a private school, as defined by Section  
9-34 22.081, Education Code;

9-35 (E) property owned or controlled by a person,  
9-36 other than the employer, that is subject to a valid, unexpired oil,  
9-37 gas, or other mineral lease that contains a provision prohibiting  
9-38 the possession of firearms on the property; or

9-39 (F) property owned or leased by a chemical  
9-40 manufacturer or oil and gas refiner with an air authorization under  
9-41 Chapter 382, Health and Safety Code, and on which the primary  
9-42 business conducted is the manufacture, use, storage, or  
9-43 transportation of hazardous, combustible, or explosive materials,  
9-44 except in regard to an employee who holds a license to carry a  
9-45 [~~concealed~~] handgun under Subchapter H, Chapter 411, Government  
9-46 Code, and who stores a firearm or ammunition the employee is  
9-47 authorized by law to possess in a locked, privately owned motor  
9-48 vehicle in a parking lot, parking garage, or other parking area the  
9-49 employer provides for employees that is outside of a secured and  
9-50 restricted area:

9-51 (i) that contains the physical plant;

9-52 (ii) that is not open to the public; and

9-53 (iii) the ingress into which is constantly  
9-54 monitored by security personnel.

9-55 (b) Section 52.061 does not prohibit an employer from  
9-56 prohibiting an employee who holds a license to carry a [~~concealed~~]  
9-57 handgun under Subchapter H, Chapter 411, Government Code, or who  
9-58 otherwise lawfully possesses a firearm, from possessing a firearm  
9-59 the employee is otherwise authorized by law to possess on the  
9-60 premises of the employer's business. In this subsection,  
9-61 "premises" has the meaning assigned by Section 46.035(f)(3), Penal  
9-62 Code.

9-63 SECTION 31. (a) Section 118.011(b), Local Government  
9-64 Code, as effective until September 1, 2019, is amended to read as  
9-65 follows:

9-66 (b) The county clerk may set and collect the following fee  
9-67 from any person:

9-68 (1) Returned Check (Sec. 118.0215) . . . . . not  
9-69 less than \$15 or more than \$30

10-1 (2) Records Management and Preservation Fee (Sec.  
10-2 118.0216) . . . . . not more than  
10-3 \$10  
10-4 (3) Mental Health Background Check for License to  
10-5 Carry a Handgun [~~Concealed Weapon~~] (Sec. 118.0217) . . . . . not  
10-6 more than \$2  
10-7 (b) This section takes effect September 1, 2015.  
10-8 SECTION 32. (a) Section 118.011(b), Local Government  
10-9 Code, as effective September 1, 2019, is amended to read as follows:  
10-10 (b) The county clerk may set and collect the following fee  
10-11 from any person:  
10-12 (1) Returned Check (Sec. 118.0215) . . . . . not  
10-13 less than \$15 or more than \$30  
10-14 (2) Records Management and Preservation Fee (Sec.  
10-15 118.0216) . . . . . not more  
10-16 than \$5  
10-17 (3) Mental Health Background Check for License to  
10-18 Carry a Handgun [~~Concealed Weapon~~] (Sec. 118.0217) . . . . . not  
10-19 more than \$2  
10-20 (b) This section takes effect September 1, 2019.  
10-21 SECTION 33. Section 118.0217(a), Local Government Code, is  
10-22 amended to read as follows:  
10-23 (a) The fee for a "mental health background check for  
10-24 license to carry a handgun [~~concealed weapon~~]" is for a check,  
10-25 conducted by the county clerk at the request of the Texas Department  
10-26 of Public Safety, of the county records involving the mental  
10-27 condition of a person who applies for a license to carry a  
10-28 [~~concealed~~] handgun under Subchapter H, Chapter 411, Government  
10-29 Code. The fee, not to exceed \$2, will be paid from the application  
10-30 fee submitted to the Department of Public Safety according to  
10-31 Section 411.174(a)(6), Government Code.  
10-32 SECTION 34. Section 229.001(b), Local Government Code, is  
10-33 amended to read as follows:  
10-34 (b) Subsection (a) does not affect the authority a  
10-35 municipality has under another law to:  
10-36 (1) require residents or public employees to be armed  
10-37 for personal or national defense, law enforcement, or another  
10-38 lawful purpose;  
10-39 (2) regulate the discharge of firearms or air guns  
10-40 within the limits of the municipality, other than at a sport  
10-41 shooting range;  
10-42 (3) regulate the use of property, the location of a  
10-43 business, or uses at a business under the municipality's fire code,  
10-44 zoning ordinance, or land-use regulations as long as the code,  
10-45 ordinance, or regulations are not used to circumvent the intent of  
10-46 Subsection (a) or Subdivision (5) of this subsection;  
10-47 (4) regulate the use of firearms or air guns in the  
10-48 case of an insurrection, riot, or natural disaster if the  
10-49 municipality finds the regulations necessary to protect public  
10-50 health and safety;  
10-51 (5) regulate the storage or transportation of  
10-52 explosives to protect public health and safety, except that 25  
10-53 pounds or less of black powder for each private residence and 50  
10-54 pounds or less of black powder for each retail dealer are not  
10-55 subject to regulation;  
10-56 (6) regulate the carrying of a firearm or air gun by a  
10-57 person other than a person licensed to carry a [~~concealed~~] handgun  
10-58 under Subchapter H, Chapter 411, Government Code, at a:  
10-59 (A) public park;  
10-60 (B) public meeting of a municipality, county, or  
10-61 other governmental body;  
10-62 (C) political rally, parade, or official  
10-63 political meeting; or  
10-64 (D) nonfirearms-related school, college, or  
10-65 professional athletic event;  
10-66 (7) regulate the hours of operation of a sport  
10-67 shooting range, except that the hours of operation may not be more  
10-68 limited than the least limited hours of operation of any other  
10-69 business in the municipality other than a business permitted or

11-1 licensed to sell or serve alcoholic beverages for on-premises  
 11-2 consumption; or

- 11-3 (8) regulate the carrying of an air gun by a minor on:  
 11-4 (A) public property; or  
 11-5 (B) private property without consent of the  
 11-6 property owner.

11-7 SECTION 35. The heading to Section 1701.260, Occupations  
 11-8 Code, is amended to read as follows:

11-9 Sec. 1701.260. TRAINING FOR HOLDERS OF LICENSE TO CARRY A  
 11-10 [CONCEALED] HANDGUN; CERTIFICATION OF ELIGIBILITY FOR APPOINTMENT  
 11-11 AS SCHOOL MARSHAL.

11-12 SECTION 36. Sections 1701.260(a) and (i), Occupations Code,  
 11-13 are amended to read as follows:

11-14 (a) The commission shall establish and maintain a training  
 11-15 program open to any employee of a school district or  
 11-16 open-enrollment charter school who holds a license to carry a  
 11-17 [concealed] handgun issued under Subchapter H, Chapter 411,  
 11-18 Government Code. The training may be conducted only by the  
 11-19 commission staff or a provider approved by the commission.

11-20 (i) The commission shall revoke a person's school marshal  
 11-21 license if the commission is notified by the Department of Public  
 11-22 Safety that the person's license to carry a [concealed] handgun  
 11-23 issued under Subchapter H, Chapter 411, Government Code, has been  
 11-24 suspended or revoked. A person whose school marshal license is  
 11-25 revoked may obtain recertification by:

11-26 (1) furnishing proof to the commission that the  
 11-27 person's [concealed] handgun license has been reinstated; and

11-28 (2) completing the initial training under Subsection  
 11-29 (c) to the satisfaction of the commission staff, paying the fee for  
 11-30 the training, and demonstrating psychological fitness on the  
 11-31 psychological examination described in Subsection (d).

11-32 SECTION 37. Section 1702.206(b), Occupations Code, is  
 11-33 amended to read as follows:

11-34 (b) An individual who is acting as a personal protection  
 11-35 officer and is wearing the uniform of a security officer, including  
 11-36 any uniform or apparel described by Section 1702.323(d), may not  
 11-37 conceal any firearm the individual is carrying and shall carry the  
 11-38 firearm in plain view. An individual who is acting as a personal  
 11-39 protection officer and is not wearing the uniform of a security  
 11-40 officer shall conceal the firearm, regardless of whether the  
 11-41 individual is authorized to openly carry the firearm under any  
 11-42 other law.

11-43 SECTION 38. Sections 62.082(d) and (e), Parks and Wildlife  
 11-44 Code, are amended to read as follows:

11-45 (d) Section 62.081 does not apply to:

- 11-46 (1) an employee of the Lower Colorado River Authority;  
 11-47 (2) a person authorized to hunt under Subsection (c);  
 11-48 (3) a peace officer as defined by Article 2.12, Code of  
 11-49 Criminal Procedure; or

11-50 (4) a person who:

11-51 (A) possesses a [concealed] handgun and a license  
 11-52 issued under Subchapter H, Chapter 411, Government Code, to carry a  
 11-53 [concealed] handgun; or

11-54 (B) under circumstances in which the person would  
 11-55 be justified in the use of deadly force under Chapter 9, Penal Code,  
 11-56 shoots a handgun the person is licensed to carry under Subchapter H,  
 11-57 Chapter 411, Government Code.

11-58 (e) A state agency, including the department, the  
 11-59 Department of Public Safety, and the Lower Colorado River  
 11-60 Authority, may not adopt a rule that prohibits a person who  
 11-61 possesses a license issued under Subchapter H, Chapter 411,  
 11-62 Government Code, from entering or crossing the land of the Lower  
 11-63 Colorado River Authority while:

11-64 (1) possessing a [concealed] handgun; or

11-65 (2) under circumstances in which the person would be  
 11-66 justified in the use of deadly force under Chapter 9, Penal Code,  
 11-67 shooting a handgun.

11-68 SECTION 39. Section 284.001(e), Parks and Wildlife Code, is  
 11-69 amended to read as follows:

12-1 (e) This section does not limit the ability of a license  
12-2 holder to carry a [~~concealed~~] handgun under the authority of  
12-3 Subchapter H, Chapter 411, Government Code.

12-4 SECTION 40. Section 30.05(f), Penal Code, is amended to  
12-5 read as follows:

12-6 (f) It is a defense to prosecution under this section that:  
12-7 (1) the basis on which entry on the property or land or  
12-8 in the building was forbidden is that entry with a handgun was  
12-9 forbidden; and

12-10 (2) the person was carrying:  
12-11 (A) a [~~concealed handgun and a~~] license issued  
12-12 under Subchapter H, Chapter 411, Government Code, to carry a  
12-13 [~~concealed~~] handgun; and

12-14 (B) a handgun:  
12-15 (i) in a concealed manner; or  
12-16 (ii) in a shoulder or belt holster.

12-17 SECTION 41. The heading to Section 30.06, Penal Code, is  
12-18 amended to read as follows:

12-19 Sec. 30.06. TRESPASS BY LICENSE HOLDER WITH A [~~OF LICENSE TO~~  
12-20 ~~CARRY~~] CONCEALED HANDGUN.

12-21 SECTION 42. Section 30.06(a), Penal Code, is amended to  
12-22 read as follows:

12-23 (a) A license holder commits an offense if the license  
12-24 holder:

12-25 (1) carries a concealed handgun under the authority of  
12-26 Subchapter H, Chapter 411, Government Code, on property of another  
12-27 without effective consent; and

12-28 (2) received notice that:  
12-29 (A) entry on the property by a license holder  
12-30 with a concealed handgun was forbidden; or

12-31 (B) remaining on the property with a concealed  
12-32 handgun was forbidden and failed to depart.

12-33 SECTION 43. Section 30.06(c)(3), Penal Code, is amended to  
12-34 read as follows:

12-35 (3) "Written communication" means:

12-36 (A) a card or other document on which is written  
12-37 language identical to the following: "Pursuant to Section 30.06,  
12-38 Penal Code (trespass by license holder with [~~of license to carry~~] a  
12-39 concealed handgun), a person licensed under Subchapter H, Chapter  
12-40 411, Government Code (~~concealed~~ handgun licensing law), may not  
12-41 enter this property with a concealed handgun"; or

12-42 (B) a sign posted on the property that:

12-43 (i) includes the language described by  
12-44 Paragraph (A) in both English and Spanish;

12-45 (ii) appears in contrasting colors with  
12-46 block letters at least one inch in height; and

12-47 (iii) is displayed in a conspicuous manner  
12-48 clearly visible to the public.

12-49 SECTION 44. Chapter 30, Penal Code, is amended by adding  
12-50 Section 30.07 to read as follows:

12-51 Sec. 30.07. TRESPASS BY LICENSE HOLDER WITH AN OPENLY  
12-52 CARRIED HANDGUN. (a) A license holder commits an offense if the  
12-53 license holder:

12-54 (1) openly carries a handgun under the authority of  
12-55 Subchapter H, Chapter 411, Government Code, on property of another  
12-56 without effective consent; and

12-57 (2) received notice that:

12-58 (A) entry on the property by a license holder  
12-59 openly carrying a handgun was forbidden; or

12-60 (B) remaining on the property while openly  
12-61 carrying a handgun was forbidden and failed to depart.

12-62 (b) For purposes of this section, a person receives notice  
12-63 if the owner of the property or someone with apparent authority to  
12-64 act for the owner provides notice to the person by oral or written  
12-65 communication.

12-66 (c) In this section:

12-67 (1) "Entry" has the meaning assigned by Section  
12-68 30.05(b).

12-69 (2) "License holder" has the meaning assigned by



13-1 Section 46.035(f).  
 13-2 (3) "Written communication" means:  
 13-3 (A) a card or other document on which is written  
 13-4 language identical to the following: "Pursuant to Section 30.07,  
 13-5 Penal Code (trespass by license holder with an openly carried  
 13-6 handgun), a person licensed under Subchapter H, Chapter 411,  
 13-7 Government Code (handgun licensing law), may not enter this  
 13-8 property with a handgun that is carried openly"; or  
 13-9 (B) a sign posted on the property that:  
 13-10 (i) includes the language described by  
 13-11 Paragraph (A) in both English and Spanish;  
 13-12 (ii) appears in contrasting colors with  
 13-13 block letters at least one inch in height; and  
 13-14 (iii) is displayed in a conspicuous manner  
 13-15 clearly visible to the public at each entrance to the property.  
 13-16 (d) An offense under this section is a Class A misdemeanor.  
 13-17 (e) It is an exception to the application of this section  
 13-18 that the property on which the license holder openly carries the  
 13-19 handgun is owned or leased by a governmental entity and is not a  
 13-20 premises or other place on which the license holder is prohibited  
 13-21 from carrying the handgun under Section 46.03 or 46.035.  
 13-22 (f) It is not a defense to prosecution under this section  
 13-23 that the handgun was carried in a shoulder or belt holster.  
 13-24 SECTION 45. Section 46.02(a-1), Penal Code, is amended to  
 13-25 read as follows:  
 13-26 (a-1) A person commits an offense if the person  
 13-27 intentionally, knowingly, or recklessly carries on or about his or  
 13-28 her person a handgun in a motor vehicle or watercraft that is owned  
 13-29 by the person or under the person's control at any time in which:  
 13-30 (1) the handgun is in plain view, unless the person is  
 13-31 licensed to carry a handgun under Subchapter H, Chapter 411,  
 13-32 Government Code, and the handgun is carried in a shoulder or belt  
 13-33 holster; or  
 13-34 (2) the person is:  
 13-35 (A) engaged in criminal activity, other than a  
 13-36 Class C misdemeanor that is a violation of a law or ordinance  
 13-37 regulating traffic or boating;  
 13-38 (B) prohibited by law from possessing a firearm;  
 13-39 or  
 13-40 (C) a member of a criminal street gang, as  
 13-41 defined by Section 71.01.  
 13-42 SECTION 46. Section 46.03(f), Penal Code, is amended to  
 13-43 read as follows:  
 13-44 (f) It is not a defense to prosecution under this section  
 13-45 that the actor possessed a handgun and was licensed to carry a  
 13-46 [concealed] handgun under Subchapter H, Chapter 411, Government  
 13-47 Code.  
 13-48 SECTION 47. Sections 46.035(a), (b), (c), (d), and (i),  
 13-49 Penal Code, are amended to read as follows:  
 13-50 (a) A license holder commits an offense if the license  
 13-51 holder carries a handgun on or about the license holder's person  
 13-52 under the authority of Subchapter H, Chapter 411, Government Code,  
 13-53 and intentionally displays the handgun in plain view of another  
 13-54 person in a public place. It is an exception to the application of  
 13-55 this subsection that the handgun was partially or wholly visible  
 13-56 but was carried in a shoulder or belt holster by the license holder.  
 13-57 (b) A license holder commits an offense if the license  
 13-58 holder intentionally, knowingly, or recklessly carries a handgun  
 13-59 under the authority of Subchapter H, Chapter 411, Government Code,  
 13-60 regardless of whether the handgun is concealed or carried in a  
 13-61 shoulder or belt holster, on or about the license holder's person:  
 13-62 (1) on the premises of a business that has a permit or  
 13-63 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic  
 13-64 Beverage Code, if the business derives 51 percent or more of its  
 13-65 income from the sale or service of alcoholic beverages for  
 13-66 on-premises consumption, as determined by the Texas Alcoholic  
 13-67 Beverage Commission under Section 104.06, Alcoholic Beverage Code;  
 13-68 (2) on the premises where a high school, collegiate,  
 13-69 or professional sporting event or interscholastic event is taking

14-1 place, unless the license holder is a participant in the event and a  
14-2 handgun is used in the event;

14-3 (3) on the premises of a correctional facility;

14-4 (4) on the premises of a hospital licensed under  
14-5 Chapter 241, Health and Safety Code, or on the premises of a nursing  
14-6 home licensed under Chapter 242, Health and Safety Code, unless the  
14-7 license holder has written authorization of the hospital or nursing  
14-8 home administration, as appropriate;

14-9 (5) in an amusement park; or

14-10 (6) on the premises of a church, synagogue, or other  
14-11 established place of religious worship.

14-12 (c) A license holder commits an offense if the license  
14-13 holder intentionally, knowingly, or recklessly carries a handgun  
14-14 under the authority of Subchapter H, Chapter 411, Government Code,  
14-15 regardless of whether the handgun is concealed or carried in a  
14-16 shoulder or belt holster, at any meeting of a governmental entity.

14-17 (d) A license holder commits an offense if, while  
14-18 intoxicated, the license holder carries a handgun under the  
14-19 authority of Subchapter H, Chapter 411, Government Code, regardless  
14-20 of whether the handgun is concealed or carried in a shoulder or belt  
14-21 holster.

14-22 (i) Subsections (b)(4), (b)(5), (b)(6), and (c) do not apply  
14-23 if the actor was not given effective notice under Section 30.06 or  
14-24 30.07.

14-25 SECTION 48. Sections 46.15(a) and (b), Penal Code, are  
14-26 amended to read as follows:

14-27 (a) Sections 46.02 and 46.03 do not apply to:

14-28 (1) peace officers or special investigators under  
14-29 Article 2.122, Code of Criminal Procedure, and neither section  
14-30 prohibits a peace officer or special investigator from carrying a  
14-31 weapon in this state, including in an establishment in this state  
14-32 serving the public, regardless of whether the peace officer or  
14-33 special investigator is engaged in the actual discharge of the  
14-34 officer's or investigator's duties while carrying the weapon;

14-35 (2) parole officers and neither section prohibits an  
14-36 officer from carrying a weapon in this state if the officer is:

14-37 (A) engaged in the actual discharge of the  
14-38 officer's duties while carrying the weapon; and

14-39 (B) in compliance with policies and procedures  
14-40 adopted by the Texas Department of Criminal Justice regarding the  
14-41 possession of a weapon by an officer while on duty;

14-42 (3) community supervision and corrections department  
14-43 officers appointed or employed under Section 76.004, Government  
14-44 Code, and neither section prohibits an officer from carrying a  
14-45 weapon in this state if the officer is:

14-46 (A) engaged in the actual discharge of the  
14-47 officer's duties while carrying the weapon; and

14-48 (B) authorized to carry a weapon under Section  
14-49 76.0051, Government Code;

14-50 (4) an active judicial officer as defined by Section  
14-51 411.201, Government Code, who is licensed to carry a [~~concealed~~]  
14-52 handgun under Subchapter H, Chapter 411, Government Code;

14-53 (5) an honorably retired peace officer, qualified  
14-54 retired law enforcement officer, federal criminal investigator, or  
14-55 former reserve law enforcement officer who holds a certificate of  
14-56 proficiency issued under Section 1701.357, Occupations Code, and is  
14-57 carrying a photo identification that is issued by a federal, state,  
14-58 or local law enforcement agency, as applicable, and that verifies  
14-59 that the officer is:

14-60 (A) an honorably retired peace officer;

14-61 (B) a qualified retired law enforcement officer;

14-62 (C) a federal criminal investigator; or

14-63 (D) a former reserve law enforcement officer who  
14-64 has served in that capacity not less than a total of 15 years with  
14-65 one or more state or local law enforcement agencies;

14-66 (6) a district attorney, criminal district attorney,  
14-67 county attorney, or municipal attorney who is licensed to carry a  
14-68 [~~concealed~~] handgun under Subchapter H, Chapter 411, Government  
14-69 Code;

15-1 (7) an assistant district attorney, assistant  
15-2 criminal district attorney, or assistant county attorney who is  
15-3 licensed to carry a [~~concealed~~] handgun under Subchapter H, Chapter  
15-4 411, Government Code;

15-5 (8) a bailiff designated by an active judicial officer  
15-6 as defined by Section 411.201, Government Code, who is:

15-7 (A) licensed to carry a [~~concealed~~] handgun under  
15-8 Subchapter H, Chapter 411, Government Code; and

15-9 (B) engaged in escorting the judicial officer; or

15-10 (9) a juvenile probation officer who is authorized to  
15-11 carry a firearm under Section 142.006, Human Resources Code.

15-12 (b) Section 46.02 does not apply to a person who:

15-13 (1) is in the actual discharge of official duties as a  
15-14 member of the armed forces or state military forces as defined by  
15-15 Section 437.001, Government Code, or as a guard employed by a penal  
15-16 institution;

15-17 (2) is traveling;

15-18 (3) is engaging in lawful hunting, fishing, or other  
15-19 sporting activity on the immediate premises where the activity is  
15-20 conducted, or is en route between the premises and the actor's  
15-21 residence, motor vehicle, or watercraft, if the weapon is a type  
15-22 commonly used in the activity;

15-23 (4) holds a security officer commission issued by the  
15-24 Texas Private Security Board, if the person is engaged in the  
15-25 performance of the person's duties as an officer commissioned under  
15-26 Chapter 1702, Occupations Code, or is traveling to or from the  
15-27 person's place of assignment and is wearing the officer's uniform  
15-28 and carrying the officer's weapon in plain view;

15-29 (5) acts as a personal protection officer and carries  
15-30 the person's security officer commission and personal protection  
15-31 officer authorization, if the person:

15-32 (A) is engaged in the performance of the person's  
15-33 duties as a personal protection officer under Chapter 1702,  
15-34 Occupations Code, or is traveling to or from the person's place of  
15-35 assignment; and

15-36 (B) is either:

15-37 (i) wearing the uniform of a security  
15-38 officer, including any uniform or apparel described by Section  
15-39 1702.323(d), Occupations Code, and carrying the officer's weapon in  
15-40 plain view; or

15-41 (ii) not wearing the uniform of a security  
15-42 officer and carrying the officer's weapon in a concealed manner;

15-43 (6) is carrying:

15-44 (A) a [~~concealed handgun and a valid~~] license  
15-45 issued under Subchapter H, Chapter 411, Government Code, to carry a  
15-46 [~~concealed~~] handgun; and

15-47 (B) a handgun:

15-48 (i) in a concealed manner; or

15-49 (ii) in a shoulder or belt holster;

15-50 (7) holds an alcoholic beverage permit or license or  
15-51 is an employee of a holder of an alcoholic beverage permit or  
15-52 license if the person is supervising the operation of the permitted  
15-53 or licensed premises; or

15-54 (8) is a student in a law enforcement class engaging in  
15-55 an activity required as part of the class, if the weapon is a type  
15-56 commonly used in the activity and the person is:

15-57 (A) on the immediate premises where the activity  
15-58 is conducted; or

15-59 (B) en route between those premises and the  
15-60 person's residence and is carrying the weapon unloaded.

15-61 SECTION 49. Section 411.171(3), Government Code, is  
15-62 repealed.

15-63 SECTION 50. The change in law made by this Act relating to  
15-64 the authority of a license holder to openly carry a holstered  
15-65 handgun applies to the carrying of a handgun on or after the  
15-66 effective date of this Act by any person who:

15-67 (1) holds a license issued under Subchapter H, Chapter  
15-68 411, Government Code, regardless of whether the person's license  
15-69 was issued before, on, or after the effective date of this Act; or

16-1 (2) applies for the issuance of a license under that  
16-2 subchapter, regardless of whether the person applied for the  
16-3 license before, on, or after the effective date of this Act.

16-4 SECTION 51. The changes in law made by this Act to Sections  
16-5 62.082 and 284.001, Parks and Wildlife Code, and to Sections 30.05,  
16-6 30.06, 46.02, 46.03, 46.035, and 46.15, Penal Code, apply only to an  
16-7 offense committed on or after the effective date of this Act. An  
16-8 offense committed before the effective date of this Act is governed  
16-9 by the law in effect on the date the offense was committed, and the  
16-10 former law is continued in effect for that purpose. For purposes of  
16-11 this section, an offense was committed before the effective date of  
16-12 this Act if any element of the offense occurred before that date.

16-13 SECTION 52. Except as otherwise provided by this Act, this  
16-14 Act takes effect September 1, 2015.

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