

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

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H.B. No. 910

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of a person who is licensed to carry a  
3 handgun to openly carry a holstered handgun; creating a criminal  
4 offense; providing penalties; amending provisions subject to a  
5 criminal penalty.

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

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

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

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

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

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

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

3 (B) the person is wearing a distinctive uniform;  
4 and

5 (C) the weapon is in plain view;

6 (2) who is a peace officer;

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

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

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

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

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

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

1 possess a firearm in a building on the licensed premises. This  
2 subsection does not apply to a person:

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

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

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

9 (C) the weapon is in plain view;

10 (2) who is a peace officer;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (2) suspension or revocation of the employee's license  
23 to carry a [~~concealed~~] handgun issued under Subchapter H, Chapter  
24 411, Government Code;

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

27 (4) notice from the board of trustees of the district

1 or the governing body of the charter school that the employee's  
2 services as school marshal are no longer required.

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

5 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.  
6 The following documentation is an acceptable form of photo  
7 identification under this chapter:

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

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

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

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

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

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

26 (b) The proof must be established by:

27 (1) a driver's license or identification card issued

1 by this state, another state, or a Canadian province that is current  
2 or has expired not more than two years preceding the date the  
3 identification is submitted to the county clerk in connection with  
4 an application for a license;

5 (2) a United States passport;

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

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

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

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

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

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

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

27 (10) an insurance policy continuously valid for the

1 two years preceding the date of the application for a license;

2 (11) a motor vehicle certificate of title;

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

5 (13) an unexpired military dependent identification  
6 card;

7 (14) an original or certified copy of the applicant's  
8 marriage license or divorce decree;

9 (15) a voter registration certificate;

10 (16) a pilot's license issued by the Federal Aviation  
11 Administration or another authorized agency of the United States;

12 (17) a license to carry a [~~concealed~~] handgun under  
13 Subchapter H, Chapter 411, Government Code;

14 (18) a temporary driving permit or a temporary  
15 identification card issued by the Department of Public Safety; or

16 (19) an offender identification card issued by the  
17 Texas Department of Criminal Justice.

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

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

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

27 (d) In a protective order, the court shall suspend a license

1 to carry a [~~concealed~~] handgun issued under Subchapter H, Chapter  
2 411, Government Code, that is held by a person found to have  
3 committed family violence.

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

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

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

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

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

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

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

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

24 Sec. 411.0625. PASS FOR EXPEDITED ACCESS TO CAPITOL. (a)  
25 The department shall allow a person to enter the Capitol and the  
26 Capitol Extension, including any public space in the Capitol or  
27 Capitol Extension, in the same manner as the department allows



1 entry to a person who presents a [~~concealed handgun~~] license to  
2 carry a handgun under Subchapter H if the person:

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

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

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

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

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

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

23 (3) establish application and renewal fees in amounts  
24 sufficient to cover the cost of administering this section, not to  
25 exceed the amounts of similar fees required under Section 411.174  
26 for a [~~concealed handgun~~] license to carry a handgun [~~under Section~~  
27 ~~411.174~~].

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

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

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

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

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

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

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

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

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

19 (6) is not a chemically dependent person;

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

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

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

1           (10) has not been finally determined to be delinquent  
2 in making a child support payment administered or collected by the  
3 attorney general;

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

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

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

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

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

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

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

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

1           (1) is a member or veteran of the United States armed  
2 forces, including a member or veteran of the reserves or national  
3 guard;

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

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

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

14          SECTION 18. Section 411.173(b), Government Code, is amended  
15 to read as follows:

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

1 Investigation.

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

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

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

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

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

14 (4) proof of residency in this state;

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

21 (6) a nonrefundable application and license fee of  
22 \$140 paid to the department;

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

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

27 (A) has read and understands each provision of

1 this subchapter that creates an offense under the laws of this state  
2 and each provision of the laws of this state related to use of  
3 deadly force; and

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

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

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

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

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

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

1 department by mail or acknowledge the form electronically on the  
2 Internet according to the procedure adopted under Subsection (f).

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

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

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

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

15 (3) nonviolent dispute resolution; and

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

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

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

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

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

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

6           (3) nonviolent dispute resolution; and

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

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



1 fee. The department by rule may prorate or waive the training fee  
2 for an employee of another governmental entity.

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

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

11 (2) certification as a qualified handgun instructor.

12 SECTION 24. Section 411.1901(c), Government Code, is  
13 amended to read as follows:

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

20 SECTION 25. Section 411.198(a), Government Code, is amended  
21 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

1           (5) a nonrefundable application and license fee set by  
2 the department in an amount reasonably designed to cover the  
3 administrative costs associated with issuance of a license to carry  
4 a [~~concealed~~] handgun under this subchapter; and

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

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

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

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

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

1 felony cases.

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

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

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

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

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

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

26 SECTION 29. Subchapter H, Chapter 411, Government Code, is  
27 amended by adding Section 411.2049 to read as follows:

1       Sec. 411.2049. CERTAIN INVESTIGATORY STOPS AND INQUIRIES  
2 PROHIBITED. A peace officer may not make an investigatory stop or  
3 other temporary detention to inquire as to whether a person  
4 possesses a handgun license solely because the person is carrying a  
5 partially or wholly visible handgun carried in a shoulder or belt  
6 holster.

7       SECTION 30. Section 12.092(b), Health and Safety Code, is  
8 amended to read as follows:

9       (b) The medical advisory board shall assist the Department  
10 of Public Safety of the State of Texas in determining whether:

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

13           (2) an applicant for or holder of a license to carry a  
14 ~~[concealed]~~ handgun under the authority of Subchapter H, Chapter  
15 411, Government Code, or an applicant for or holder of a commission  
16 as a security officer under Chapter 1702, Occupations Code, is  
17 capable of exercising sound judgment with respect to the proper use  
18 and storage of a handgun.

19       SECTION 31. Sections 52.061 and 52.062, Labor Code, are  
20 amended to read as follows:

21       Sec. 52.061. RESTRICTION ON PROHIBITING EMPLOYEE ACCESS TO  
22 OR STORAGE OF FIREARM OR AMMUNITION. A public or private employer  
23 may not prohibit an employee who holds a license to carry a  
24 ~~[concealed]~~ handgun under Subchapter H, Chapter 411, Government  
25 Code, who otherwise lawfully possesses a firearm, or who lawfully  
26 possesses ammunition from transporting or storing a firearm or  
27 ammunition the employee is authorized by law to possess in a locked,

1 privately owned motor vehicle in a parking lot, parking garage, or  
2 other parking area the employer provides for employees.

3 Sec. 52.062. EXCEPTIONS. (a) Section 52.061 does not:

4 (1) authorize a person who holds a license to carry a  
5 ~~concealed~~ handgun under Subchapter H, Chapter 411, Government  
6 Code, who otherwise lawfully possesses a firearm, or who lawfully  
7 possesses ammunition to possess a firearm or ammunition on any  
8 property where the possession of a firearm or ammunition is  
9 prohibited by state or federal law; or

10 (2) apply to:

11 (A) a vehicle owned or leased by a public or  
12 private employer and used by an employee in the course and scope of  
13 the employee's employment, unless the employee is required to  
14 transport or store a firearm in the official discharge of the  
15 employee's duties;

16 (B) a school district;

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

19 (D) a private school, as defined by Section  
20 22.081, Education Code;

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

25 (F) property owned or leased by a chemical  
26 manufacturer or oil and gas refiner with an air authorization under  
27 Chapter 382, Health and Safety Code, and on which the primary

1 business conducted is the manufacture, use, storage, or  
2 transportation of hazardous, combustible, or explosive materials,  
3 except in regard to an employee who holds a license to carry a  
4 ~~concealed~~ handgun under Subchapter H, Chapter 411, Government  
5 Code, and who stores a firearm or ammunition the employee is  
6 authorized by law to possess in a locked, privately owned motor  
7 vehicle in a parking lot, parking garage, or other parking area the  
8 employer provides for employees that is outside of a secured and  
9 restricted area:

- 10 (i) that contains the physical plant;
- 11 (ii) that is not open to the public; and
- 12 (iii) the ingress into which is constantly  
13 monitored by security personnel.

14 (b) Section 52.061 does not prohibit an employer from  
15 prohibiting an employee who holds a license to carry a ~~concealed~~  
16 handgun under Subchapter H, Chapter 411, Government Code, or who  
17 otherwise lawfully possesses a firearm, from possessing a firearm  
18 the employee is otherwise authorized by law to possess on the  
19 premises of the employer's business. In this subsection,  
20 "premises" has the meaning assigned by Section 46.035(f)(3), Penal  
21 Code.

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

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

- 26 (1) Returned Check (Sec. 118.0215) . . . . . not  
27 less than \$15 or more than \$30

1           (2) Records Management and Preservation Fee (Sec.  
2 118.0216) . . . . . not more than  
3 \$10

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

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

8           SECTION 33. (a) Section 118.011(b), Local Government Code,  
9 as effective September 1, 2019, is amended to read as follows:

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

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

14           (2) Records Management and Preservation Fee (Sec.  
15 118.0216) . . . . . not more  
16 than \$5

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

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

21           SECTION 34. Section 118.0217(a), Local Government Code, is  
22 amended to read as follows:

23           (a) The fee for a "mental health background check for  
24 license to carry a handgun [~~concealed weapon~~]" is for a check,  
25 conducted by the county clerk at the request of the Texas Department  
26 of Public Safety, of the county records involving the mental  
27 condition of a person who applies for a license to carry a



1 [~~concealed~~] handgun under Subchapter H, Chapter 411, Government  
2 Code. The fee, not to exceed \$2, will be paid from the application  
3 fee submitted to the Department of Public Safety according to  
4 Section 411.174(a)(6), Government Code.

5 SECTION 35. Section 229.001(b), Local Government Code, is  
6 amended to read as follows:

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

9 (1) require residents or public employees to be armed  
10 for personal or national defense, law enforcement, or another  
11 lawful purpose;

12 (2) regulate the discharge of firearms or air guns  
13 within the limits of the municipality, other than at a sport  
14 shooting range;

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

20 (4) regulate the use of firearms or air guns in the  
21 case of an insurrection, riot, or natural disaster if the  
22 municipality finds the regulations necessary to protect public  
23 health and safety;

24 (5) regulate the storage or transportation of  
25 explosives to protect public health and safety, except that 25  
26 pounds or less of black powder for each private residence and 50  
27 pounds or less of black powder for each retail dealer are not

1 subject to regulation;

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

5 (A) public park;

6 (B) public meeting of a municipality, county, or  
7 other governmental body;

8 (C) political rally, parade, or official  
9 political meeting; or

10 (D) nonfirearms-related school, college, or  
11 professional athletic event;

12 (7) regulate the hours of operation of a sport  
13 shooting range, except that the hours of operation may not be more  
14 limited than the least limited hours of operation of any other  
15 business in the municipality other than a business permitted or  
16 licensed to sell or serve alcoholic beverages for on-premises  
17 consumption; or

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

19 (A) public property; or

20 (B) private property without consent of the  
21 property owner.

22 SECTION 36. The heading to Section 1701.260, Occupations  
23 Code, is amended to read as follows:

24 Sec. 1701.260. TRAINING FOR HOLDERS OF LICENSE TO CARRY A  
25 [~~CONCEALED~~] HANDGUN; CERTIFICATION OF ELIGIBILITY FOR APPOINTMENT  
26 AS SCHOOL MARSHAL.

27 SECTION 37. Sections 1701.260(a) and (i), Occupations Code,

1 are amended to read as follows:

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

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

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

16 (2) completing the initial training under Subsection  
17 (c) to the satisfaction of the commission staff, paying the fee for  
18 the training, and demonstrating psychological fitness on the  
19 psychological examination described in Subsection (d).

20 SECTION 38. Section 1702.206(b), Occupations Code, is  
21 amended to read as follows:

22 (b) An individual who is acting as a personal protection  
23 officer and is wearing the uniform of a security officer, including  
24 any uniform or apparel described by Section 1702.323(d), may not  
25 conceal any firearm the individual is carrying and shall carry the  
26 firearm in plain view. An individual who is acting as a personal  
27 protection officer and is not wearing the uniform of a security

1 officer shall conceal the firearm, regardless of whether the  
2 individual is authorized to openly carry the firearm under any  
3 other law.

4 SECTION 39. Sections 62.082(d) and (e), Parks and Wildlife  
5 Code, are amended to read as follows:

6 (d) Section 62.081 does not apply to:

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

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

9 (3) a peace officer as defined by Article 2.12, Code of  
10 Criminal Procedure; or

11 (4) a person who:

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

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

19 (e) A state agency, including the department, the  
20 Department of Public Safety, and the Lower Colorado River  
21 Authority, may not adopt a rule that prohibits a person who  
22 possesses a license issued under Subchapter H, Chapter 411,  
23 Government Code, from entering or crossing the land of the Lower  
24 Colorado River Authority while:

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

26 (2) under circumstances in which the person would be  
27 justified in the use of deadly force under Chapter 9, Penal Code,

1 shooting a handgun.

2 SECTION 40. Section 284.001(e), Parks and Wildlife Code, is  
3 amended to read as follows:

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

7 SECTION 41. Section 30.05(f), Penal Code, is amended to  
8 read as follows:

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

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

13 (2) the person was carrying:

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

17 (B) a handgun:

18 (i) in a concealed manner; or

19 (ii) in a shoulder or belt holster.

20 SECTION 42. The heading to Section 30.06, Penal Code, is  
21 amended to read as follows:

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

24 SECTION 43. Sections 30.06(a) and (d), Penal Code, are  
25 amended to read as follows:

26 (a) A license holder commits an offense if the license  
27 holder:

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

4 (2) received notice that[+  
5 [~~(A)~~] entry on the property by a license holder  
6 with a concealed handgun was forbidden[~~+~~ or  
7 [~~(B) remaining on the property with a concealed~~  
8 ~~handgun was forbidden and failed to depart~~].

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

15 SECTION 44. Section 30.06(c)(3), Penal Code, is amended to  
16 read as follows:

17 (3) "Written communication" means:

18 (A) a card or other document on which is written  
19 language identical to the following: "Pursuant to Section 30.06,  
20 Penal Code (trespass by license holder with [~~of license to carry~~] a  
21 concealed handgun), a person licensed under Subchapter H, Chapter  
22 411, Government Code ([~~concealed~~] handgun licensing law), may not  
23 enter this property with a concealed handgun"; or

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

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

27 (ii) appears in contrasting colors with

1 block letters at least one inch in height; and

2 (iii) is displayed in a conspicuous manner  
3 clearly visible to the public.

4 SECTION 45. Chapter 30, Penal Code, is amended by adding  
5 Section 30.07 to read as follows:

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

9 (1) openly carries a handgun under the authority of  
10 Subchapter H, Chapter 411, Government Code, on property of another  
11 without effective consent; and

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

14 (b) For purposes of this section, a person receives notice  
15 if the owner of the property or someone with apparent authority to  
16 act for the owner provides notice to the person by oral or written  
17 communication.

18 (c) In this section:

19 (1) "Entry" has the meaning assigned by Section  
20 30.05(b).

21 (2) "License holder" has the meaning assigned by  
22 Section 46.035(f).

23 (3) "Written communication" means:

24 (A) a card or other document on which is written  
25 language identical to the following: "Pursuant to Section 30.07,  
26 Penal Code (trespass by license holder with an openly carried  
27 handgun), a person licensed under Subchapter H, Chapter 411,

1 Government Code (handgun licensing law), may not enter this  
2 property with a handgun that is carried openly"; or

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

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

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

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

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

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

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

23 SECTION 46. Section 46.02(a-1), Penal Code, is amended to  
24 read as follows:

25 (a-1) A person commits an offense if the person  
26 intentionally, knowingly, or recklessly carries on or about his or  
27 her person a handgun in a motor vehicle or watercraft that is owned



1 by the person or under the person's control at any time in which:

2 (1) the handgun is in plain view, unless the person is  
3 licensed to carry a handgun under Subchapter H, Chapter 411,  
4 Government Code, and the handgun is carried in a shoulder or belt  
5 holster; or

6 (2) the person is:

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

10 (B) prohibited by law from possessing a firearm;  
11 or

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

14 SECTION 47. Section 46.03(f), Penal Code, is amended to  
15 read as follows:

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

20 SECTION 48. Section 46.035, Penal Code, is amended by  
21 amending Subsections (a), (b), (c), (d), (g), (h), (i), and (j) and  
22 adding Subsection (a-1) to read as follows:

23 (a) A license holder commits an offense if the license  
24 holder carries a handgun on or about the license holder's person  
25 under the authority of Subchapter H, Chapter 411, Government Code,  
26 and intentionally displays the handgun in plain view of another  
27 person in a public place. It is an exception to the application of

1 this subsection that the handgun was partially or wholly visible  
2 but was carried in a shoulder or belt holster by the license holder.

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

9 (1) on the premises of an institution of higher  
10 education or private or independent institution of higher  
11 education; or

12 (2) on any public or private driveway, street,  
13 sidewalk or walkway, parking lot, parking garage, or other parking  
14 area of an institution of higher education or private or  
15 independent institution of higher education.

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

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

27 (2) on the premises where a high school, collegiate,

1 or professional sporting event or interscholastic event is taking  
2 place, unless the license holder is a participant in the event and a  
3 handgun is used in the event;

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

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

10 (5) in an amusement park; or

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

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

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

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

27 (h) It is a defense to prosecution under Subsection (a) or

1 (a-1) that the actor, at the time of the commission of the offense,  
2 displayed the handgun under circumstances in which the actor would  
3 have been justified in the use of force or deadly force under  
4 Chapter 9.

5 (i) Subsections (b)(4), (b)(5), (b)(6), and (c) do not apply  
6 if the actor was not given effective notice under Section 30.06 or  
7 30.07.

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

11 SECTION 49. Section 46.035(f), Penal Code, is amended by  
12 adding Subdivision (1-a) to read as follows:

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

16 SECTION 50. Sections 46.15(a) and (b), Penal Code, are  
17 amended to read as follows:

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

19 (1) peace officers or special investigators under  
20 Article 2.122, Code of Criminal Procedure, and neither section  
21 prohibits a peace officer or special investigator from carrying a  
22 weapon in this state, including in an establishment in this state  
23 serving the public, regardless of whether the peace officer or  
24 special investigator is engaged in the actual discharge of the  
25 officer's or investigator's duties while carrying the weapon;

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

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

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

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

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

12 (B) authorized to carry a weapon under Section  
13 76.0051, Government Code;

14 (4) an active judicial officer as defined by Section  
15 411.201, Government Code, who is licensed to carry a ~~concealed~~  
16 handgun under Subchapter H, Chapter 411, Government Code;

17 (5) an honorably retired peace officer, qualified  
18 retired law enforcement officer, federal criminal investigator, or  
19 former reserve law enforcement officer who holds a certificate of  
20 proficiency issued under Section 1701.357, Occupations Code, and is  
21 carrying a photo identification that is issued by a federal, state,  
22 or local law enforcement agency, as applicable, and that verifies  
23 that the officer is:

24 (A) an honorably retired peace officer;

25 (B) a qualified retired law enforcement officer;

26 (C) a federal criminal investigator; or

27 (D) a former reserve law enforcement officer who

1 has served in that capacity not less than a total of 15 years with  
2 one or more state or local law enforcement agencies;

3 (6) a district attorney, criminal district attorney,  
4 county attorney, or municipal attorney who is licensed to carry a  
5 ~~concealed~~ handgun under Subchapter H, Chapter 411, Government  
6 Code;

7 (7) an assistant district attorney, assistant  
8 criminal district attorney, or assistant county attorney who is  
9 licensed to carry a ~~concealed~~ handgun under Subchapter H, Chapter  
10 411, Government Code;

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

13 (A) licensed to carry a ~~concealed~~ handgun under  
14 Subchapter H, Chapter 411, Government Code; and

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

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

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

19 (1) is in the actual discharge of official duties as a  
20 member of the armed forces or state military forces as defined by  
21 Section 437.001, Government Code, or as a guard employed by a penal  
22 institution;

23 (2) is traveling;

24 (3) is engaging in lawful hunting, fishing, or other  
25 sporting activity on the immediate premises where the activity is  
26 conducted, or is en route between the premises and the actor's  
27 residence, motor vehicle, or watercraft, if the weapon is a type

1 commonly used in the activity;

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

8 (5) acts as a personal protection officer and carries  
9 the person's security officer commission and personal protection  
10 officer authorization, if the person:

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

15 (B) is either:

16 (i) wearing the uniform of a security  
17 officer, including any uniform or apparel described by Section  
18 1702.323(d), Occupations Code, and carrying the officer's weapon in  
19 plain view; or

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

22 (6) is carrying:

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

26 (B) a handgun:

27 (i) in a concealed manner; or

1                    (ii) in a shoulder or belt holster;

2                    (7) holds an alcoholic beverage permit or license or  
3 is an employee of a holder of an alcoholic beverage permit or  
4 license if the person is supervising the operation of the permitted  
5 or licensed premises; or

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

9                    (A) on the immediate premises where the activity  
10 is conducted; or

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

13                    SECTION 51. Section 411.171(3), Government Code, is  
14 repealed.

15                    SECTION 52. The change in law made by this Act relating to  
16 the authority of a license holder to openly carry a holstered  
17 handgun applies to the carrying of a handgun on or after the  
18 effective date of this Act by any person who:

19                    (1) holds a license issued under Subchapter H, Chapter  
20 411, Government Code, regardless of whether the person's license  
21 was issued before, on, or after the effective date of this Act; or

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

25                    SECTION 53. The changes in law made by this Act to Sections  
26 62.082 and 284.001, Parks and Wildlife Code, and to Sections 30.05,  
27 30.06, 46.02, 46.03, 46.035, and 46.15, Penal Code, apply only to an



1 offense committed on or after the effective date of this Act. An  
2 offense committed before the effective date of this Act is governed  
3 by the law in effect on the date the offense was committed, and the  
4 former law is continued in effect for that purpose. For purposes of  
5 this section, an offense was committed before the effective date of  
6 this Act if any element of the offense occurred before that date.

7 SECTION 54. Except as otherwise provided by this Act, this  
8 Act takes effect January 1, 2016.

ADOPTED

MAY 22 2015

*Atty Gen*  
Secretary of the Senate

By: ~~Phillips, et al~~ / Estes

H.B. No. 910

Substitute the following for H.B. No. 910 :

By: *Craig Estes*

C.S. H.B. No. 910

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

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

1 the person's duties as a security officer;

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

3 and

4 (C) the weapon is in plain view;

5 (2) who is a peace officer;

6 (3) who is a permittee or an employee of a permittee if

7 the person is supervising the operation of the premises; or

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

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

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

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

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

1 subsection does not apply to a person:

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

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

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

7 and

8 (C) the weapon is in plain view;

9 (2) who is a peace officer;

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

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

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

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

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

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

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

1 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

1 services as school marshal are no longer required.

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

4 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

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

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

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

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

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

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

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

25 (b) The proof must be established by:

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

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

4 (2) a United States passport;

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

1 carry a handgun under Subchapter H if the person:

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

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

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

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

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

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

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

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

1 Government Code, is amended to read as follows:

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

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

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

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

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

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

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

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

18 (6) is not a chemically dependent person;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13                   (4) proof of residency in this state;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (3) nonviolent dispute resolution; and

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

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

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

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

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



1 deadly force;

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

5 (3) nonviolent dispute resolution; and

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

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

1 for an employee of another governmental entity.

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

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

10 (2) certification as a qualified handgun instructor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 SECTION 30. Sections 52.061 and 52.062, Labor Code, are  
11 amended to read as follows:

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

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

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

1           (2) apply to:

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

7                   (B) a school district;

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

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

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

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

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

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

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

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

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

19 (2) Records Management and Preservation Fee (Sec.  
20 118.0216) . . . . . not more than  
21 \$10

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (A) public park;

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

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

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

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

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

10 (A) public property; or

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

13 SECTION 35. The heading to Section 1701.260, Occupations  
14 Code, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

24 (d) Section 62.081 does not apply to:

- 25 (1) an employee of the Lower Colorado River Authority;  
26 (2) a person authorized to hunt under Subsection (c);  
27 (3) a peace officer as defined by Article 2.12, Code of

1 Criminal Procedure; or

2 (4) a person who:

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

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

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

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

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

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

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

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

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

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

4 (2) the person was carrying:

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

8 (B) a handgun:

9 (i) in a concealed manner; or

10 (ii) in a shoulder or belt holster.

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

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

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

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

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

22 (2) received notice that[+]

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

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

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

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

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

8 (3) "Written communication" means:

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

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

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

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

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

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

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

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

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

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

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

9 (c) In this section:

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

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

14 (3) "Written communication" means:

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

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

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

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

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



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

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

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

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

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

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

24                   (2) the person is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (5) in an amusement park; or

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

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

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

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

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

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

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

1 the Texas Alcoholic Beverage Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (A) an honorably retired peace officer;

16 (B) a qualified retired law enforcement officer;

17 (C) a federal criminal investigator; or

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

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

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

1 411, Government Code;

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

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

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

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

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

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

14 (2) is traveling;

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

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

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

1 officer authorization, if the person:

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

6 (B) is either:

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

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

13 (6) is carrying:

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

17 (B) a handgun:

18 (i) in a concealed manner; or

19 (ii) in a shoulder or belt holster;

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

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

27 (A) on the immediate premises where the activity



1 is conducted; or

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

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

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

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

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

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

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

ADOPTED

RV 19.12  
MAY 22 2015

*Letai Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO.

9

BY:

*Don Huffenber*

1 Amend C.S.H.B. No. 910 (senate committee printing) by adding  
2 the following appropriately numbered SECTION to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Subchapter H, Chapter 411, Government Code,  
5 is amended by adding Section 411.2049 to read as follows:

6 Sec. 411.2049. CERTAIN INVESTIGATORY STOPS AND INQUIRIES  
7 PROHIBITED. A peace officer may not make an investigatory stop or  
8 other temporary detention to inquire as to a person's possession of  
9 a handgun license solely because the person is carrying in a  
10 shoulder or belt holster a partially or wholly visible handgun.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 25, 2015**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB910** by Phillips (Relating to the authority of a person who is licensed to carry a handgun to openly carry a holstered handgun; creating criminal offenses.), **As Passed 2nd House**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend various codes to authorize individuals to obtain a license to carry openly a holstered handgun in all the places that allow the licensed carrying of a concealed handgun. The bill would proscribe a police officer from making an investigatory stop to inquire whether an individual possesses a handgun license solely because the individual is carrying a visible handgun in a holster. The bill would amend the Government Code to authorize the Department of Public Safety to issue a license to carry an unconcealed holstered handgun, using the same criteria currently in place for a concealed handgun license.

The bill would also amend certain provisions subject to a criminal penalty. This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

It is assumed implementing the provisions of the bill could be absorbed within current appropriation levels. The bill would take effect January 1, 2016.

**Local Government Impact**

The bill would create new misdemeanor offenses. A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. A Class C misdemeanor is punishable by a fine of not more than \$500. In addition to the fine, punishment can include up to 180 days of deferred disposition. Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Costs associated with enforcement, prosecution, and confinement could likely be absorbed within existing resources. Revenue from fines imposed and collected is not anticipated to have a significant fiscal impact.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** UP, AG, JAW, JPo, ESi, AI, SD, KVe

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Revision 1**

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**LEGISLATIVE BUDGET BOARD**  
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**CRIMINAL JUSTICE IMPACT STATEMENT**

**84TH LEGISLATIVE REGULAR SESSION**

**May 25, 2015**

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In fiscal year 2014, 183 individuals were arrested, 52 were placed under felony supervision, and 37 were admitted into state correctional institutions for unlawfully carrying a weapon. In fiscal year 2014, 17 individuals were arrested, fewer than 10 were placed under felony community supervision, and fewer than 10 were admitted into state correctional institutions for the offense of unlawfully carrying a handgun by a license holder. A statewide repository containing the level of detail necessary to isolate those individuals who openly carried a handgun in a shoulder or belt holster and had a valid license to carry a handgun at the time of the offense from all other individuals arrested and convicted under the statutes referenced by the bill is not currently available. This analysis assumes any reduction in correctional populations as a result of implementing the provisions of the bill would not result in a significant impact on state correctional populations, programs, or workloads.

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**LBB Staff:** UP, ESi, LM, JPo

**LEGISLATIVE BUDGET BOARD  
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