

1-1 By: Hughes S.B. No. 19  
1-2 (In the Senate - Filed March 7, 2019; March 11, 2019, read  
1-3 first time and referred to Committee on State Affairs;  
1-4 April 3, 2019, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 3, 2019,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hughes	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Fallon	X		
1-14	Hall	X		
1-15	Lucio	X		
1-16	Nelson	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 19 By: Hughes

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the carrying, transporting, storage, or possession of a  
1-22 firearm or firearm ammunition by certain persons on certain  
1-23 residential property or manufactured home community property.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 30.05, Penal Code, is amended by adding  
1-26 Subsections (f-1), (f-2), and (f-3) to read as follows:

1-27 (f-1) It is a defense to prosecution under this section  
1-28 that:

1-29 (1) the basis on which entry on the property was  
1-30 forbidden is that entry with a firearm or firearm ammunition was  
1-31 forbidden;

1-32 (2) the actor is:

1-33 (A) an owner of an apartment in a condominium  
1-34 regime governed by Chapter 81, Property Code;

1-35 (B) an owner of a condominium unit governed by  
1-36 Chapter 82, Property Code;

1-37 (C) a tenant or guest of an owner described by  
1-38 Paragraph (A) or (B); or

1-39 (D) a guest of a tenant of an owner described by  
1-40 Paragraph (A) or (B);

1-41 (3) the actor:

1-42 (A) carries or stores a firearm or firearm  
1-43 ammunition in the condominium apartment or unit owner's apartment  
1-44 or unit;

1-45 (B) carries a firearm or firearm ammunition  
1-46 directly en route to or from the condominium apartment or unit  
1-47 owner's apartment or unit;

1-48 (C) carries a firearm or firearm ammunition  
1-49 directly en route to or from the actor's vehicle located in a  
1-50 parking area provided for residents or guests of the condominium  
1-51 property; or

1-52 (D) carries or stores a firearm or firearm  
1-53 ammunition in the actor's vehicle located in a parking area  
1-54 provided for residents or guests of the condominium property; and

1-55 (4) the actor is not otherwise prohibited by law from  
1-56 possessing a firearm or firearm ammunition.

1-57 (f-2) It is a defense to prosecution under this section  
1-58 that:

1-59 (1) the basis on which entry on a leased premises  
1-60 governed by Chapter 92, Property Code, was forbidden is that entry

2-1 with a firearm or firearm ammunition was forbidden;  
2-2 (2) the actor is a tenant of the leased premises or the  
2-3 tenant's guest;  
2-4 (3) the actor:  
2-5 (A) carries or stores a firearm or firearm  
2-6 ammunition in the tenant's rental unit;  
2-7 (B) carries a firearm or firearm ammunition  
2-8 directly en route to or from the tenant's rental unit;  
2-9 (C) carries a firearm or firearm ammunition  
2-10 directly en route to or from the actor's vehicle located in a  
2-11 parking area provided for tenants or guests by the landlord of the  
2-12 leased premises; or  
2-13 (D) carries or stores a firearm or firearm  
2-14 ammunition in the actor's vehicle located in a parking area  
2-15 provided for tenants or guests by the landlord of the leased  
2-16 premises; and  
2-17 (4) the actor is not otherwise prohibited by law from  
2-18 possessing a firearm or firearm ammunition.  
2-19 (f-3) It is a defense to prosecution under this section  
2-20 that:  
2-21 (1) the basis on which entry on a leased premises  
2-22 governed by Chapter 94, Property Code, was forbidden is that entry  
2-23 with a firearm or firearm ammunition was forbidden;  
2-24 (2) the actor is a tenant of a manufactured home lot or  
2-25 the tenant's guest;  
2-26 (3) the actor:  
2-27 (A) carries or stores a firearm or firearm  
2-28 ammunition in the tenant's manufactured home;  
2-29 (B) carries a firearm or firearm ammunition  
2-30 directly en route to or from the tenant's manufactured home;  
2-31 (C) carries a firearm or firearm ammunition  
2-32 directly en route to or from the actor's vehicle located in a  
2-33 parking area provided for tenants or tenants' guests by the  
2-34 landlord of the leased premises; or  
2-35 (D) carries or stores a firearm or firearm  
2-36 ammunition in the actor's vehicle located in a parking area  
2-37 provided for tenants or tenants' guests by the landlord of the  
2-38 leased premises; and  
2-39 (4) the actor is not otherwise prohibited by law from  
2-40 possessing a firearm or firearm ammunition.  
2-41 SECTION 2. Section 30.06, Penal Code, is amended by adding  
2-42 Subsections (e-1), (e-2), and (e-3) to read as follows:  
2-43 (e-1) It is a defense to prosecution under this section  
2-44 that:  
2-45 (1) the license holder is:  
2-46 (A) an owner of an apartment in a condominium  
2-47 regime governed by Chapter 81, Property Code;  
2-48 (B) an owner of a condominium unit governed by  
2-49 Chapter 82, Property Code;  
2-50 (C) a tenant or guest of an owner described by  
2-51 Paragraph (A) or (B); or  
2-52 (D) a guest of a tenant of an owner described by  
2-53 Paragraph (A) or (B); and  
2-54 (2) the license holder:  
2-55 (A) carries or stores a handgun in the  
2-56 condominium apartment or unit owner's apartment or unit;  
2-57 (B) carries a handgun directly en route to or  
2-58 from the condominium apartment or unit owner's apartment or unit;  
2-59 (C) carries a handgun directly en route to or  
2-60 from the license holder's vehicle located in a parking area  
2-61 provided for residents or guests of the condominium property; or  
2-62 (D) carries or stores a handgun in the license  
2-63 holder's vehicle located in a parking area provided for residents  
2-64 or guests of the condominium property.  
2-65 (e-2) It is a defense to prosecution under this section  
2-66 that:  
2-67 (1) the license holder is a tenant of a leased premises  
2-68 governed by Chapter 92, Property Code, or the tenant's guest; and  
2-69 (2) the license holder:

3-1                   (A) carries or stores a handgun in the tenant's  
3-2 rental unit;  
3-3                   (B) carries a handgun directly en route to or  
3-4 from the tenant's rental unit;  
3-5                   (C) carries a handgun directly en route to or  
3-6 from the license holder's vehicle located in a parking area  
3-7 provided for tenants or guests by the landlord of the leased  
3-8 premises; or  
3-9                   (D) carries or stores a handgun in the license  
3-10 holder's vehicle located in a parking area provided for tenants or  
3-11 guests by the landlord of the leased premises.  
3-12           (e-3) It is a defense to prosecution under this section  
3-13 that:  
3-14                   (1) the license holder is a tenant of a manufactured  
3-15 home lot governed by Chapter 94, Property Code, or the tenant's  
3-16 guest; and  
3-17                   (2) the license holder:  
3-18                   (A) carries or stores a handgun in the tenant's  
3-19 manufactured home;  
3-20                   (B) carries a handgun directly en route to or  
3-21 from the tenant's manufactured home;  
3-22                   (C) carries a handgun directly en route to or  
3-23 from the license holder's vehicle located in a parking area  
3-24 provided for tenants or tenants' guests by the landlord of the  
3-25 leased premises; or  
3-26                   (D) carries or stores a handgun in the license  
3-27 holder's vehicle located in a parking area provided for tenants or  
3-28 tenants' guests by the landlord of the leased premises.  
3-29           SECTION 3. Section 30.07, Penal Code, is amended by adding  
3-30 Subsections (e-1), (e-2), and (e-3) to read as follows:  
3-31           (e-1) It is a defense to prosecution under this section  
3-32 that:  
3-33                   (1) the license holder is:  
3-34                   (A) an owner of an apartment in a condominium  
3-35 regime governed by Chapter 81, Property Code;  
3-36                   (B) an owner of a condominium unit governed by  
3-37 Chapter 82, Property Code;  
3-38                   (C) a tenant or guest of an owner described by  
3-39 Paragraph (A) or (B); or  
3-40                   (D) a guest of a tenant of an owner described by  
3-41 Paragraph (A) or (B); and  
3-42                   (2) the license holder:  
3-43                   (A) carries or stores a handgun in the  
3-44 condominium apartment or unit owner's apartment or unit;  
3-45                   (B) carries a handgun directly en route to or  
3-46 from the condominium apartment or unit owner's apartment or unit;  
3-47                   (C) carries a handgun directly en route to or  
3-48 from the license holder's vehicle located in a parking area  
3-49 provided for residents or guests of the condominium property; or  
3-50                   (D) carries or stores a handgun in the license  
3-51 holder's vehicle located in a parking area provided for residents  
3-52 or guests of the condominium property.  
3-53           (e-2) It is a defense to prosecution under this section  
3-54 that:  
3-55                   (1) the license holder is a tenant of a leased premises  
3-56 governed by Chapter 92, Property Code, or the tenant's guest; and  
3-57                   (2) the license holder:  
3-58                   (A) carries or stores a handgun in the tenant's  
3-59 rental unit;  
3-60                   (B) carries a handgun directly en route to or  
3-61 from the tenant's rental unit;  
3-62                   (C) carries a handgun directly en route to or  
3-63 from the license holder's vehicle located in a parking area  
3-64 provided for tenants or guests by the landlord of the leased  
3-65 premises; or  
3-66                   (D) carries or stores a handgun in the license  
3-67 holder's vehicle located in a parking area provided for tenants or  
3-68 guests by the landlord of the leased premises.  
3-69           (e-3) It is a defense to prosecution under this section

4-1 that:  
 4-2 (1) the license holder is a tenant of a manufactured  
 4-3 home lot governed by Chapter 94, Property Code, or the tenant's  
 4-4 guest; and  
 4-5 (2) the license holder:  
 4-6 (A) carries or stores a handgun in the tenant's  
 4-7 manufactured home;  
 4-8 (B) carries a handgun directly en route to or  
 4-9 from the tenant's manufactured home;  
 4-10 (C) carries a handgun directly en route to or  
 4-11 from the license holder's vehicle located in a parking area  
 4-12 provided for tenants or tenants' guests by the landlord of the  
 4-13 leased premises; or  
 4-14 (D) carries or stores a handgun in the license  
 4-15 holder's vehicle located in a parking area provided for tenants or  
 4-16 tenants' guests by the landlord of the leased premises.  
 4-17 SECTION 4. Section 82.002, Property Code, is amended by  
 4-18 adding Subsection (c-1) to read as follows:  
 4-19 (c-1) Section 82.121 applies to a condominium for which the  
 4-20 declaration was recorded before January 1, 1994.  
 4-21 SECTION 5. Subchapter C, Chapter 82, Property Code, is  
 4-22 amended by adding Section 82.121 to read as follows:  
 4-23 Sec. 82.121. POSSESSION OF FIREARM OR FIREARM AMMUNITION ON  
 4-24 CONDOMINIUM PROPERTY. (a) Unless possession of a firearm or  
 4-25 firearm ammunition on condominium property is prohibited by state  
 4-26 or federal law, a condominium unit owner, a tenant or guest of a  
 4-27 condominium unit owner, or a guest of a tenant of a condominium unit  
 4-28 owner may not be prohibited from lawfully possessing, carrying,  
 4-29 transporting, or storing a firearm, any part of a firearm, or  
 4-30 firearm ammunition:  
 4-31 (1) in the condominium unit owner's unit;  
 4-32 (2) in a vehicle located in a parking area provided for  
 4-33 the residents or guests of the condominium property; or  
 4-34 (3) in other common element locations as necessary to:  
 4-35 (A) enter or exit the condominium property;  
 4-36 (B) enter or exit the condominium unit owner's  
 4-37 unit; or  
 4-38 (C) enter or exit a vehicle on the condominium  
 4-39 property or located in a parking area provided for residents or  
 4-40 guests of the condominium property.  
 4-41 (b) This section applies notwithstanding any provision of a  
 4-42 dedicatory instrument to the contrary and regardless of the date of  
 4-43 the provision's adoption.  
 4-44 SECTION 6. Subchapter A, Chapter 92, Property Code, is  
 4-45 amended by adding Section 92.026 to read as follows:  
 4-46 Sec. 92.026. POSSESSION OF FIREARMS OR FIREARM AMMUNITION  
 4-47 ON LEASED PREMISES. Unless possession of a firearm or firearm  
 4-48 ammunition on a landlord's property is prohibited by state or  
 4-49 federal law, a landlord may not prohibit a tenant or a tenant's  
 4-50 guest from lawfully possessing, carrying, transporting, or storing  
 4-51 a firearm, any part of a firearm, or firearm ammunition:  
 4-52 (1) in the tenant's rental unit;  
 4-53 (2) in a vehicle located in a parking area provided for  
 4-54 tenants or guests by the landlord of the leased premises; or  
 4-55 (3) in other locations controlled by the landlord as  
 4-56 necessary to:  
 4-57 (A) enter or exit the tenant's rental unit;  
 4-58 (B) enter or exit the leased premises; or  
 4-59 (C) enter or exit a vehicle on the leased  
 4-60 premises or located in a parking area provided by the landlord for  
 4-61 tenants or guests.  
 4-62 SECTION 7. Subchapter F, Chapter 94, Property Code, is  
 4-63 amended by adding Section 94.257 to read as follows:  
 4-64 Sec. 94.257. POSSESSION OF FIREARM OR FIREARM AMMUNITION ON  
 4-65 LEASED PREMISES. Unless possession of a firearm or firearm  
 4-66 ammunition on a landlord's property is prohibited by state or  
 4-67 federal law, a landlord may not prohibit a tenant or a tenant's  
 4-68 guest from lawfully possessing, carrying, transporting, or storing  
 4-69 a firearm, any part of a firearm, or firearm ammunition:

- 5-1 (1) in the tenant's manufactured home;
- 5-2 (2) in a vehicle located in a parking area provided for
- 5-3 tenants or tenants' guests by the landlord of the leased premises;
- 5-4 or
- 5-5 (3) in other locations controlled by the landlord as
- 5-6 necessary to:
- 5-7 (A) enter or exit the tenant's manufactured home;
- 5-8 (B) enter or exit the leased premises; or
- 5-9 (C) enter or exit a vehicle on the leased
- 5-10 premises or located in a parking area provided by the landlord for
- 5-11 tenants or tenants' guests.

5-12 SECTION 8. Sections 30.05, 30.06, and 30.07, Penal Code, as  
5-13 amended by this Act, apply only to an offense committed on or after  
5-14 the effective date of this Act. An offense committed before the  
5-15 effective date of this Act is governed by the law in effect on the  
5-16 date the offense was committed, and the former law is continued in  
5-17 effect for that purpose. For purposes of this section, an offense  
5-18 was committed before the effective date of this Act if any element  
5-19 of the offense occurred before that date.

5-20 SECTION 9. Sections 92.026 and 94.257, Property Code, as  
5-21 added by this Act, do not affect the enforceability of a provision  
5-22 in a lease agreement entered into or renewed before the effective  
5-23 date of this Act.

5-24 SECTION 10. This Act takes effect September 1, 2019.

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