

By: Hegar, Birdwell

S.B. No. 321

A BILL TO BE ENTITLED

AN ACT

relating to an employee's transportation and storage of certain firearms or ammunition while on certain property owned or controlled by the employee's employer.

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

SECTION 1. Chapter 52, Labor Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. RESTRICTIONS ON PROHIBITING EMPLOYEE TRANSPORTATION OR STORAGE OF CERTAIN FIREARMS OR AMMUNITION

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

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

(1) authorize a person who holds a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition to possess a firearm or ammunition on any property where the possession of a firearm or ammunition is

1 prohibited by state or federal law; or

2 (2) apply to:

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

8 (B) a school district;

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

11 (D) a private school, as defined by Section  
12 22.081, Education Code; or

13 (E) property owned or controlled by a person,  
14 other than the employer, that is subject to a valid, unexpired oil,  
15 gas, or other mineral lease executed before September 1, 2011, that  
16 contains a provision prohibiting the possession of firearms on the  
17 property.

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

26 Sec. 52.063. IMMUNITY FROM CIVIL LIABILITY. Except in  
27 cases of gross negligence, a public or private employer or the

1 employer's agent is not liable in a civil action for personal  
2 injury, death, property damage, or any other damages resulting from  
3 or arising out of an occurrence involving a firearm or ammunition  
4 transported or stored in accordance with Section 52.061, including  
5 an action for damages arising from the theft of the firearm or  
6 ammunition or the use of the firearm or ammunition by a person other  
7 than the employee authorized by Section 52.061 to transport or  
8 store the firearm or ammunition. The presence of a firearm or  
9 ammunition transported or stored in the manner and in a location  
10 described by Section 52.061 does not by itself constitute a failure  
11 by the employer to provide a safe workplace.

12 SECTION 2. Section 411.203, Government Code, is amended to  
13 read as follows:

14 Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does  
15 not prevent or otherwise limit the right of a public or private  
16 employer to prohibit persons who are licensed under this subchapter  
17 from carrying a concealed handgun on the premises of the business.  
18 In this section, "premises" has the meaning assigned by Section  
19 46.035(f)(3), Penal Code.

20 SECTION 3. The change in law made by this Act applies only  
21 to a cause of action that accrues on or after the effective date of  
22 this Act. A cause of action that accrues before that date is  
23 governed by the law as it existed immediately before the effective  
24 date of this Act, and that law is continued in effect for that  
25 purpose.

26 SECTION 4. This Act takes effect September 1, 2011.