

1-1 By: Hegar, Birdwell, et al. S.B. No. 321
1-2 (In the Senate - Filed January 7, 2011; February 2, 2011,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 7, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; March 7, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 321 By: Hegar

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to an employee's transportation and storage of certain
1-11 firearms or ammunition while on certain property owned or
1-12 controlled by the employee's employer.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Chapter 52, Labor Code, is amended by adding
1-15 Subchapter G to read as follows:

1-16 SUBCHAPTER G. RESTRICTIONS ON PROHIBITING EMPLOYEE
1-17 TRANSPORTATION OR STORAGE OF CERTAIN FIREARMS OR AMMUNITION

1-18 Sec. 52.061. RESTRICTION ON PROHIBITING EMPLOYEE ACCESS TO
1-19 OR STORAGE OF FIREARM OR AMMUNITION. A public or private employer
1-20 may not prohibit an employee who holds a license to carry a
1-21 concealed handgun under Subchapter H, Chapter 411, Government Code,
1-22 who otherwise lawfully possesses a firearm, or who lawfully
1-23 possesses ammunition from transporting or storing a firearm or
1-24 ammunition the employee is authorized by law to possess in a locked,
1-25 privately owned motor vehicle in a parking lot, parking garage, or
1-26 other parking area the employer provides for employees.

1-27 Sec. 52.062. EXCEPTIONS. (a) Section 52.061 does not:

1-28 (1) authorize a person who holds a license to carry a
1-29 concealed handgun under Subchapter H, Chapter 411, Government Code,
1-30 who otherwise lawfully possesses a firearm, or who lawfully
1-31 possesses ammunition to possess a firearm or ammunition on any
1-32 property where the possession of a firearm or ammunition is
1-33 prohibited by state or federal law; or

1-34 (2) apply to:

1-35 (A) a vehicle owned or leased by a public or
1-36 private employer and used by an employee in the course and scope of
1-37 the employee's employment, unless the employee is required to
1-38 transport or store a firearm in the official discharge of the
1-39 employee's duties;

1-40 (B) a school district;

1-41 (C) an open-enrollment charter school, as
1-42 defined by Section 5.001, Education Code;

1-43 (D) a private school, as defined by Section
1-44 22.081, Education Code; or

1-45 (E) property owned or controlled by a person,
1-46 other than the employer, that is subject to a valid, unexpired oil,
1-47 gas, or other mineral lease that contains a provision prohibiting
1-48 the possession of firearms on the property.

1-49 (b) Section 52.061 does not prohibit an employer from
1-50 prohibiting an employee who holds a license to carry a concealed
1-51 handgun under Subchapter H, Chapter 411, Government Code, or who
1-52 otherwise lawfully possesses a firearm, from possessing a firearm
1-53 the employee is otherwise authorized by law to possess on the
1-54 premises of the employer's business. In this subsection,
1-55 "premises" has the meaning assigned by Section 46.035(f)(3), Penal
1-56 Code.

1-57 Sec. 52.063. IMMUNITY FROM CIVIL LIABILITY. Except in
1-58 cases of gross negligence, a public or private employer or the
1-59 employer's agent is not liable in a civil action for personal
1-60 injury, death, property damage, or any other damages resulting from
1-61 or arising out of an occurrence involving a firearm or ammunition
1-62 transported or stored in accordance with Section 52.061, including
1-63 an action for damages arising from the theft of the firearm or

2-1 ammunition or the use of the firearm or ammunition by a person other
2-2 than the employee authorized by Section 52.061 to transport or
2-3 store the firearm or ammunition. The presence of a firearm or
2-4 ammunition transported or stored in the manner and in a location
2-5 described by Section 52.061 does not by itself constitute a failure
2-6 by the employer to provide a safe workplace.

2-7 SECTION 2. Section 411.203, Government Code, is amended to
2-8 read as follows:

2-9 Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does
2-10 not prevent or otherwise limit the right of a public or private
2-11 employer to prohibit persons who are licensed under this subchapter
2-12 from carrying a concealed handgun on the premises of the business.
2-13 In this section, "premises" has the meaning assigned by Section
2-14 46.035(f)(3), Penal Code.

2-15 SECTION 3. The change in law made by this Act applies only
2-16 to a cause of action that accrues on or after the effective date of
2-17 this Act. A cause of action that accrues before that date is
2-18 governed by the law as it existed immediately before the effective
2-19 date of this Act, and that law is continued in effect for that
2-20 purpose.

2-21 SECTION 4. This Act takes effect September 1, 2011.

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