

By: Capriglione

H.B. No. 706

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the carrying of concealed handguns on certain premises
3 of or locations associated with schools or institutions of higher
4 education.

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

6 SECTION 1. Subchapter H, Chapter 411, Government Code, is
7 amended by adding Section 411.2031 to read as follows:

8 Sec. 411.2031. CARRYING OF HANDGUNS BY CERTAIN LICENSE
9 HOLDERS ON CAMPUSES. (a) For purposes of this section:

10 (1) "Campus" means all land and buildings owned or
11 leased by an institution of higher education or private or
12 independent institution of higher education.

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

16 (3) "License holder" means a person to whom a license
17 to carry a concealed handgun has been issued under this subchapter,
18 including a nonresident license issued under Section 411.173(a).
19 The term does not include a person to whom a license to carry a
20 concealed handgun has been issued by another state, regardless of
21 whether a license issued by that state is recognized pursuant to an
22 agreement negotiated by the governor under Section 411.173(b).

23 (4) "Premises" has the meaning assigned by Section
24 46.035, Penal Code.

1 (b) Except as provided by Subsection (c) or (d), an
2 institution of higher education or private or independent
3 institution of higher education in this state may not adopt any
4 rule, regulation, or other provision prohibiting license holders
5 from carrying handguns on the campus of the institution.

6 (c) A private or independent institution of higher
7 education in this state may, after consulting with students, staff,
8 and faculty of the institution, adopt rules, regulations, or other
9 provisions prohibiting license holders from carrying handguns on
10 premises that are owned or operated by the institution and located
11 on the campus of the institution.

12 (d) An institution of higher education or private or
13 independent institution of higher education in this state may
14 establish rules, regulations, or other provisions concerning the
15 storage of handguns in dormitories that are owned or operated by the
16 institution and located on the campus of the institution.

17 SECTION 2. Section 411.208, Government Code, is amended by
18 amending Subsections (a), (b), and (d) and adding Subsection (f) to
19 read as follows:

20 (a) A court may not hold the state, an agency or subdivision
21 of the state, an officer or employee of the state, an institution of
22 higher education, an officer or employee of an institution of
23 higher education, a private or independent institution of higher
24 education that has not adopted rules under Section 411.2031(c), an
25 officer or employee of a private or independent institution of
26 higher education that has not adopted rules under Section
27 411.2031(c), a peace officer, or a qualified handgun instructor

1 liable for damages caused by:

2 (1) an action authorized under this subchapter or a
3 failure to perform a duty imposed by this subchapter; or

4 (2) the actions of an applicant or license holder that
5 occur after the applicant has received a license or been denied a
6 license under this subchapter.

7 (b) A cause of action in damages may not be brought against
8 the state, an agency or subdivision of the state, an officer or
9 employee of the state, an institution of higher education, an
10 officer or employee of an institution of higher education, a
11 private or independent institution of higher education that has not
12 adopted rules under Section 411.2031(c), an officer or employee of
13 a private or independent institution of higher education that has
14 not adopted rules under Section 411.2031(c), a peace officer, or a
15 qualified handgun instructor for any damage caused by the actions
16 of an applicant or license holder under this subchapter.

17 (d) The immunities granted under Subsections (a), (b), and
18 (c) do not apply to an act or a failure to act by the state, an
19 agency or subdivision of the state, an officer of the state, an
20 institution of higher education, an officer or employee of an
21 institution of higher education, a private or independent
22 institution of higher education that has not adopted rules under
23 Section 411.2031(c), an officer or employee of a private or
24 independent institution of higher education that has not adopted
25 rules under Section 411.2031(c), or a peace officer if the act or
26 failure to act was capricious or arbitrary.

27 (f) For purposes of this section, "institution of higher

1 education" and "private or independent institution of higher
2 education" have the meanings assigned by Section 411.2031.

3 SECTION 3. Sections 46.03(a) and (c), Penal Code, are
4 amended to read as follows:

5 (a) A person commits an offense if the person intentionally,
6 knowingly, or recklessly possesses or goes with a firearm, illegal
7 knife, club, or prohibited weapon listed in Section 46.05(a):

8 (1) on the [~~physical~~] premises of a school or
9 [~~educational~~] institution of higher education or private or
10 independent institution of higher education, any grounds or
11 building on which an activity sponsored by a school or
12 [~~educational~~] institution of higher education or private or
13 independent institution of higher education is being conducted, or
14 a passenger transportation vehicle of a school or [~~educational~~]
15 institution of higher education or private or independent
16 institution of higher education, whether the school or
17 [~~educational~~] institution is public or private, unless:

18 (A) pursuant to written regulations or written
19 authorization of the school or institution; or

20 (B) the person possesses or goes on the premises
21 of an institution of higher education or private or independent
22 institution of higher education, on any grounds or building on
23 which an activity sponsored by the institution is being conducted,
24 or on a passenger transportation vehicle of the institution with a
25 concealed handgun that the person is licensed to carry pursuant to a
26 license issued under Subchapter H, Chapter 411, Government Code;

27 (2) on the premises of a polling place on the day of an

1 election or while early voting is in progress;

2 (3) on the premises of any government court or offices
3 utilized by the court, unless pursuant to written regulations or
4 written authorization of the court;

5 (4) on the premises of a racetrack;

6 (5) in or into a secured area of an airport; or

7 (6) within 1,000 feet of premises the location of
8 which is designated by the Texas Department of Criminal Justice as a
9 place of execution under Article 43.19, Code of Criminal Procedure,
10 on a day that a sentence of death is set to be imposed on the
11 designated premises and the person received notice that:

12 (A) going within 1,000 feet of the premises with
13 a weapon listed under this subsection was prohibited; or

14 (B) possessing a weapon listed under this
15 subsection within 1,000 feet of the premises was prohibited.

16 (c) In this section:

17 (1) "Institution of higher education" and "private or
18 independent institution of higher education" have the meanings
19 assigned by Section 61.003, Education Code.

20 (2) [~~(1)~~] "Premises" has the meaning assigned by
21 Section 46.035.

22 (3) [~~(2)~~] "Secured area" means an area of an airport
23 terminal building to which access is controlled by the inspection
24 of persons and property under federal law.

25 SECTION 4. Section 46.035(i), Penal Code, is amended to
26 read as follows:

27 (i) Subsections (b)(2), (b)(4), (b)(5), (b)(6), and (c) do

1 not apply if the actor was not given effective notice under Section
2 30.06.

3 SECTION 5. Section 411.208, Government Code, as amended by
4 this Act, applies only to a cause of action that accrues on or after
5 the effective date of this Act. A cause of action that accrued
6 before the effective date of this Act is governed by the law in
7 effect immediately before the effective date of this Act, and the
8 former law is continued in effect for that purpose.

9 SECTION 6. Sections 46.03 and 46.035, Penal Code, as
10 amended by this Act, apply only to an offense committed on or after
11 the effective date of this Act. An offense committed before the
12 effective date of this Act is covered by the law in effect when the
13 offense was committed, and the former law is continued in effect for
14 that purpose. For purposes of this section, an offense was
15 committed before the effective date of this Act if any element of
16 the offense occurred before that date.

17 SECTION 7. This Act takes effect September 1, 2013.