

By: Taylor of Collin

H.B. No. 1167

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of concealed handguns on certain premises of or locations associated with schools or public junior colleges and public technical institutes.

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

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

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

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

(2) "Public junior college" and "public technical institute" have the meanings assigned by Section 61.003, Education Code.

(b) A public junior college or public technical institute in this state may not adopt any rule, regulation, or other provision prohibiting license holders from carrying handguns on the campus of the college or institute.

SECTION 2. Section 411.208, Government Code, is amended by

amending Subsections (a), (b), and (d) and adding Subsection (f) to read as follows:

(a) A court may not hold the state, an agency or subdivision of the state, an officer or employee of the state, a public junior college or public technical institute, an officer or employee of a public junior college or public technical institute, a peace officer, or a qualified handgun instructor liable for damages caused by:

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

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

(b) A cause of action in damages may not be brought against the state, an agency or subdivision of the state, an officer or employee of the state, a public junior college or public technical institute, an officer or employee of a public junior college or public technical institute, a peace officer, or a qualified handgun instructor for any damage caused by the actions of an applicant or license holder under this subchapter.

(d) The immunities granted under Subsections (a), (b), and (c) do not apply to an act or a failure to act by the state, an agency or subdivision of the state, an officer of the state, a public junior college or public technical institute, an officer or employee of a public junior college or public technical institute, or a peace officer if the act or failure to act was capricious or arbitrary.

1 (f) For purposes of this section, "public junior college"
2 and "public technical institute" have the meanings assigned by
3 Section 411.2031.

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

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

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

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

21 (B) the person possesses or goes on the premises
22 of a public junior college or public technical institute, or on any
23 grounds or building on which an activity sponsored by the college or
24 institute is being conducted, with a concealed handgun that the
25 person is licensed to carry pursuant to a license issued under
26 Subchapter H, Chapter 411, Government Code;

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

election or while early voting is in progress;

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

(4) on the premises of a racetrack;

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

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

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

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

(c) In this section:

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

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

(3) "Public junior college" and "public technical institute" have the meanings assigned by Section 61.003, Education Code.

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

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

(i) Subsections (b)(2), (b)(4), (b)(5), (b)(6), and (c) do not apply if the actor was not given effective notice under Section 30.06.

SECTION 5. Section 46.11(c)(1), Penal Code, is amended to read as follows:

(1) "Premises" has the meaning [~~"Institution of higher education" and "premises" have the meanings~~] assigned by Section 481.134, Health and Safety Code.

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

SECTION 7. Sections 46.03 and 46.035, Penal Code, as amended by this Act, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 8. This Act takes effect September 1, 2011.