

By: Stickland

H.B. No. 296

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the carrying of a firearm by a person who is not
3 otherwise prohibited from possessing the firearm and to criminal
4 offenses otherwise related to the carrying of a firearm; creating
5 criminal offenses.

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

7 SECTION 1. This Act shall be known as the Texas
8 Constitutional Carry Act of 2017.

9 SECTION 2. Section 46.02, Penal Code, as effective
10 September 1, 2017, is amended by amending Subsections (a) and (d)
11 and adding Subsections (a-5) and (a-6) to read as follows:

12 (a) A person commits an offense if the person:

13 (1) intentionally, knowingly, or recklessly carries
14 on or about his or her person a ~~handgun or~~ club; and

15 (2) is not:

16 (A) on the person's own premises or premises
17 under the person's control; or

18 (B) inside of or directly en route to a motor
19 vehicle or watercraft that is owned by the person or under the
20 person's control.

21 (a-5) A person commits an offense if the person:

22 (1) intentionally, knowingly, or recklessly carries
23 on or about his or her person a handgun;

24 (2) is younger than 21 years of age at the time of the

1 offense; and

2 (3) is not:

3 (A) on the person's own premises or premises
4 under the person's control; or

5 (B) inside of or directly en route to a motor
6 vehicle or watercraft that is owned by the person or under the
7 person's control.

8 (a-6) It is an exception to the application of Subsection
9 (a-5) that the actor holds a license issued under Subchapter H,
10 Chapter 411, Government Code.

11 (d) An offense under Subsection (a-4) or (a-5) is a Class C
12 misdemeanor.

13 SECTION 3. Sections 46.03(e-1) and (e-2), Penal Code, are
14 amended to read as follows:

15 (e-1) It is a defense to prosecution under Subsection (a)(5)
16 that the actor:

17 (1) possessed, at the screening checkpoint for the
18 secured area, a [~~concealed~~] handgun that the actor was not
19 prohibited from possessing [~~licensed to carry under Subchapter H,~~
20 ~~Chapter 411, Government Code~~]; and

21 (2) exited the screening checkpoint for the secured
22 area immediately on [~~upon~~] completion of the required screening
23 processes and notification that the actor possessed the handgun.

24 (e-2) A peace officer investigating conduct that may
25 constitute an offense under Subsection (a)(5) and that consists
26 only of an actor's possession of a [~~concealed~~] handgun that the
27 actor is not prohibited from possessing [~~licensed to carry under~~

1 ~~Subchapter H, Chapter 411, Government Code,~~] may not arrest the
2 actor for the offense unless:

3 (1) the officer advises the actor of the defense
4 available under Subsection (e-1) and gives the actor an opportunity
5 to exit the screening checkpoint for the secured area; and

6 (2) the actor does not immediately exit the checkpoint
7 on ~~upon~~ completion of the required screening processes.

8 SECTION 4. Section 46.03(f), Penal Code, as effective
9 September 1, 2017, is amended to read as follows:

10 (f) Except as provided by Subsection (e-1), it is not a
11 defense to prosecution under this section that the actor possessed
12 a handgun and was:

13 (1) licensed to carry a handgun under Subchapter H,
14 Chapter 411, Government Code; or

15 (2) not otherwise prohibited from possessing a
16 firearm.

17 SECTION 5. Chapter 46, Penal Code, is amended by adding
18 Section 46.032 to read as follows:

19 Sec. 46.032. CARRYING OF HANDGUN. Except as otherwise
20 provided by this chapter or other law, a person 21 years of age or
21 older who is not prohibited from possessing a firearm under Section
22 46.04 or other law is not prohibited from carrying:

23 (1) a concealed handgun; or

24 (2) a partially or wholly visible handgun in a
25 holster.

26 SECTION 6. The heading to Section 46.035, Penal Code, is
27 amended to read as follows:

1 Sec. 46.035. UNLAWFUL CARRYING OF HANDGUN [~~BY LICENSE~~
2 ~~HOLDER~~].

3 SECTION 7. Section 46.035, Penal Code, is amended by
4 amending Subsections (a), (c), and (d) and adding Subsection (d-1)
5 to read as follows:

6 (a) A person [~~license holder~~] commits an offense if the
7 person [~~license holder~~] carries a handgun [~~on or about the license~~
8 ~~holder's person under the authority of Subchapter H, Chapter 411,~~
9 ~~Government Code,~~] and intentionally displays the handgun in plain
10 view of another person in a public place. It is an exception to the
11 application of this subsection that the handgun was partially or
12 wholly visible but was carried in a [~~shoulder or belt~~] holster [~~by~~
13 ~~the license holder~~].

14 (c) A person [~~license holder~~] commits an offense if the
15 person [~~license holder~~] intentionally, knowingly, or recklessly
16 carries a handgun [~~under the authority of Subchapter H, Chapter~~
17 ~~411, Government Code~~], regardless of whether the handgun is
18 concealed or carried in a [~~shoulder or belt~~] holster, in the room or
19 rooms where a meeting of a governmental entity is held and if the
20 meeting is an open meeting subject to Chapter 551, Government Code,
21 and the entity provided notice as required by that chapter.

22 (d) A person [~~license holder~~] commits an offense if the
23 person [~~, while intoxicated, the license holder~~] carries a handgun
24 while the person is intoxicated [~~under the authority of Subchapter~~
25 ~~H, Chapter 411, Government Code~~], regardless of whether the handgun
26 is concealed or carried in a [~~shoulder or belt~~] holster.

27 (d-1) A person commits an offense if the person

1 intentionally, knowingly, or recklessly carries a handgun when the
2 person is:

3 (1) engaged in criminal activity, other than a Class C
4 misdemeanor that is a violation of a law or ordinance regulating
5 traffic or boating; or

6 (2) prohibited by law from possessing a firearm.

7 SECTION 8. Section 46.035(b), Penal Code, as effective
8 September 1, 2017, is amended to read as follows:

9 (b) A person [~~license holder~~] commits an offense if the
10 person [~~license holder~~] intentionally, knowingly, or recklessly
11 carries a handgun [~~under the authority of Subchapter H, Chapter~~
12 ~~411, Government Code~~], regardless of whether the handgun is
13 concealed or carried in a [~~shoulder or belt~~] holster[~~, on or about~~
14 ~~the license holder's person~~]:

15 (1) on the premises of a business that has a permit or
16 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic
17 Beverage Code, if the business derives 51 percent or more of its
18 income from the sale or service of alcoholic beverages for
19 on-premises consumption, as determined by the Texas Alcoholic
20 Beverage Commission under Section 104.06, Alcoholic Beverage Code;

21 (2) on the premises where a high school, collegiate,
22 or professional sporting event or interscholastic event is taking
23 place, unless the person [~~license holder~~] is a participant in the
24 event and a handgun is used in the event;

25 (3) on the premises of a correctional facility;

26 (4) on the premises of a hospital licensed under
27 Chapter 241, Health and Safety Code, or on the premises of a nursing

1 facility licensed under Chapter 242, Health and Safety Code, unless
2 the person [~~license holder~~] has written authorization of the
3 hospital or nursing facility administration, as appropriate;

4 (5) in an amusement park;

5 (6) on the premises of a church, synagogue, or other
6 established place of religious worship; or

7 (7) on the premises of a civil commitment facility.

8 SECTION 9. Section 46.035(f), Penal Code, is amended by
9 adding Subdivision (1-b) to read as follows:

10 (1-b) "Intoxicated" has the meaning assigned by
11 Section 49.01.

12 SECTION 10. Section 46.035(h-1), Penal Code, as added by
13 Chapter 1214 (H.B. 1889), Acts of the 80th Legislature, Regular
14 Session, 2007, is amended to read as follows:

15 (h-1) It is a defense to prosecution under Subsections (b)
16 and (c) that the actor, at the time of the commission of the
17 offense, was:

18 (1) an active judicial officer, as defined by Section
19 411.201, Government Code; [~~or~~]

20 (2) a bailiff designated by the active judicial
21 officer and engaged in escorting the officer;

22 (3) a judge or justice of a federal court; or

23 (4) the attorney general or a United States attorney,

24 assistant United States attorney, assistant attorney general,

25 district attorney, assistant district attorney, criminal district

26 attorney, assistant criminal district attorney, county attorney,

27 or assistant county attorney.

1 SECTION 11. Section 46.15(a), Penal Code, as effective
2 September 1, 2017, is amended to read as follows:

3 (a) Sections 46.02, ~~[and]~~ 46.03, and 46.035(b) and (c) do
4 not apply to:

5 (1) peace officers or special investigators under
6 Article 2.122, Code of Criminal Procedure, and none of those
7 sections prohibit ~~[neither section prohibits]~~ a peace officer or
8 special investigator from carrying a weapon in this state,
9 including in an establishment in this state serving the public,
10 regardless of whether the peace officer or special investigator is
11 engaged in the actual discharge of the officer's or investigator's
12 duties while carrying the weapon;

13 (2) parole officers and none of those sections
14 prohibit ~~[neither section prohibits]~~ an officer from carrying a
15 weapon in this state if the officer is:

16 (A) engaged in the actual discharge of the
17 officer's duties while carrying the weapon; and

18 (B) in compliance with policies and procedures
19 adopted by the Texas Department of Criminal Justice regarding the
20 possession of a weapon by an officer while on duty;

21 (3) community supervision and corrections department
22 officers appointed or employed under Section 76.004, Government
23 Code, and none of those sections prohibit ~~[neither section~~
24 ~~prohibits]~~ an officer from carrying a weapon in this state if the
25 officer is:

26 (A) engaged in the actual discharge of the
27 officer's duties while carrying the weapon; and

1 (B) authorized to carry a weapon under Section
2 76.0051, Government Code;

3 (4) an active judicial officer as defined by Section
4 411.201, Government Code, who is licensed to carry a handgun under
5 Subchapter H, Chapter 411, Government Code;

6 (5) an honorably retired peace officer, qualified
7 retired law enforcement officer, federal criminal investigator, or
8 former reserve law enforcement officer who holds a certificate of
9 proficiency issued under Section 1701.357, Occupations Code, and is
10 carrying a photo identification that is issued by a federal, state,
11 or local law enforcement agency, as applicable, and that verifies
12 that the officer is:

13 (A) an honorably retired peace officer;

14 (B) a qualified retired law enforcement officer;

15 (C) a federal criminal investigator; or

16 (D) a former reserve law enforcement officer who
17 has served in that capacity not less than a total of 15 years with
18 one or more state or local law enforcement agencies;

19 (6) the attorney general or a United States attorney,
20 district attorney, criminal district attorney, county attorney, or
21 municipal attorney who is licensed to carry a handgun under
22 Subchapter H, Chapter 411, Government Code;

23 (7) an assistant United States attorney, assistant
24 attorney general, assistant district attorney, assistant criminal
25 district attorney, or assistant county attorney who is licensed to
26 carry a handgun under Subchapter H, Chapter 411, Government Code;

27 (8) a bailiff designated by an active judicial officer

1 as defined by Section 411.201, Government Code, who is:

2 (A) licensed to carry a handgun under Subchapter
3 H, Chapter 411, Government Code; and

4 (B) engaged in escorting the judicial officer;

5 (9) a juvenile probation officer who is authorized to
6 carry a firearm under Section 142.006, Human Resources Code; or

7 (10) a person who is volunteer emergency services
8 personnel if the person is:

9 (A) carrying a handgun under the authority of
10 Subchapter H, Chapter 411, Government Code; and

11 (B) engaged in providing emergency services.

12 SECTION 12. Section 46.15(b), Penal Code, is amended to
13 read as follows:

14 (b) Section 46.02 does not apply to a person who:

15 (1) is in the actual discharge of official duties as a
16 member of the armed forces or state military forces as defined by
17 Section 437.001, Government Code, or as a guard employed by a penal
18 institution;

19 (2) is traveling;

20 (3) is engaging in lawful hunting, fishing, or other
21 sporting activity on the immediate premises where the activity is
22 conducted, or is en route between the premises and the actor's
23 residence, motor vehicle, or watercraft, if the weapon is a type
24 commonly used in the activity;

25 (4) holds a security officer commission issued by the
26 Texas Private Security Board, if the person is engaged in the
27 performance of the person's duties as an officer commissioned under

1 Chapter 1702, Occupations Code, or is traveling to or from the
2 person's place of assignment and is wearing the officer's uniform
3 and carrying the officer's weapon in plain view;

4 (5) acts as a personal protection officer and carries
5 the person's security officer commission and personal protection
6 officer authorization, if the person:

7 (A) is engaged in the performance of the person's
8 duties as a personal protection officer under Chapter 1702,
9 Occupations Code, or is traveling to or from the person's place of
10 assignment; and

11 (B) is either:

12 (i) wearing the uniform of a security
13 officer, including any uniform or apparel described by Section
14 1702.323(d), Occupations Code, and carrying the officer's weapon in
15 plain view; or

16 (ii) not wearing the uniform of a security
17 officer and carrying the officer's weapon in a concealed manner;

18 (6) ~~is carrying:~~

19 ~~[(A) a license issued under Subchapter H, Chapter~~
20 ~~411, Government Code, to carry a handgun; and~~

21 ~~[(B) a handgun:~~

22 ~~[(i) in a concealed manner; or~~

23 ~~[(ii) in a shoulder or belt holster;~~

24 ~~(7)]~~ holds an alcoholic beverage permit or license or
25 is an employee of a holder of an alcoholic beverage permit or
26 license if the person is supervising the operation of the permitted
27 or licensed premises; or

1 (7) [~~(8)~~] is a student in a law enforcement class
2 engaging in an activity required as part of the class, if the weapon
3 is a type commonly used in the activity and the person is:

4 (A) on the immediate premises where the activity
5 is conducted; or

6 (B) en route between those premises and the
7 person's residence and is carrying the weapon unloaded.

8 SECTION 13. Chapter 507, Business & Commerce Code, as
9 effective September 1, 2017, is amended to read as follows:

10 CHAPTER 507. LICENSE TO CARRY [~~CONCEALED~~] HANDGUN [~~LICENSES~~] AS
11 VALID FORM [~~FORMS~~] OF PERSONAL IDENTIFICATION

12 Sec. 507.001. [~~CONCEALED HANDGUN~~] LICENSE TO CARRY HANDGUN
13 AS VALID PROOF OF IDENTIFICATION. (a) A person may not deny the
14 holder of a [~~concealed~~] handgun license issued under Subchapter H,
15 Chapter 411, Government Code, access to goods, services, or
16 facilities, except as provided by Section 521.460, Transportation
17 Code, or in regard to the operation of a motor vehicle, because the
18 holder has or presents a [~~concealed~~] handgun license rather than a
19 driver's license or other acceptable form of personal
20 identification.

21 (b) This section does not affect[+]

22 [~~(1) the requirement under Section 411.205,~~
23 ~~Government Code, that a person subject to that section present a~~
24 ~~driver's license or identification certificate in addition to a~~
25 ~~concealed handgun license, or~~

26 [~~(2)~~] the types of identification required under
27 federal law to access airport premises or pass through airport

1 security.

2 SECTION 14. Section 51.220(g), Education Code, is amended
3 to read as follows:

4 (g) A public junior college employee's status as a school
5 marshal becomes inactive on:

6 (1) expiration of the employee's school marshal
7 license under Section 1701.260, Occupations Code;

8 (2) suspension or revocation of the employee's license
9 to carry a ~~concealed~~ handgun issued under Subchapter H, Chapter
10 411, Government Code;

11 (3) termination of the employee's employment with the
12 public junior college; or

13 (4) notice from the governing board of the public
14 junior college that the employee's services as school marshal are
15 no longer required.

16 SECTION 15. Section 231.302(c-1), Family Code, is amended
17 to read as follows:

18 (c-1) For purposes of issuing a license to carry a
19 ~~concealed~~ handgun under Subchapter H, Chapter 411, Government
20 Code, the Department of Public Safety is not required to request,
21 and an applicant is not required to provide, the applicant's social
22 security number.

23 SECTION 16. The heading to Subchapter H, Chapter 411,
24 Government Code, is amended to read as follows:

25 SUBCHAPTER H. LICENSE TO CARRY ~~[A]~~ HANDGUN AND OTHER PROVISIONS
26 RELATING TO CARRYING OF FIREARMS

27 SECTION 17. Sections 411.1741(a) and (b), Government Code,

1 are amended to read as follows:

2 (a) When a person applies for an original or renewal license
3 to carry a ~~[concealed]~~ handgun under this subchapter, the person
4 may make a voluntary contribution in any amount to the fund for
5 veterans' assistance established by Section [434.017](#).

6 (b) The department shall:

7 (1) include space on the first page of each
8 application for an original or renewal license to carry a
9 ~~[concealed]~~ handgun that allows a person applying for an original
10 or renewal license to carry a ~~[concealed]~~ handgun to indicate the
11 amount that the person is voluntarily contributing to the fund; and

12 (2) provide an opportunity for the person to
13 contribute to the fund during the application process for an
14 original or renewal license to carry a ~~[concealed]~~ handgun on the
15 department's Internet website.

16 SECTION 18. Section [411.190](#)(c), Government Code, as
17 effective September 1, 2017, is amended to read as follows:

18 (c) In the manner applicable to a person who applies for a
19 license to carry a handgun, the department shall conduct a
20 background check of a person who applies for certification as a
21 qualified handgun instructor or approved online course provider. If
22 the background check indicates that the applicant for certification
23 would not qualify to receive a handgun license, the department may
24 not certify the applicant as a qualified handgun instructor or
25 approved online course provider. If the background check indicates
26 that the applicant for certification would qualify to receive a
27 handgun license, the department shall provide handgun instructor or

1 online course provider training to the applicant. The applicant
2 shall pay a fee of \$100 to the department for the training. The
3 applicant must take and successfully complete the training offered
4 by the department and pay the training fee before the department may
5 certify the applicant as a qualified handgun instructor or approved
6 online course provider. The department shall issue a license to
7 carry a handgun under ~~[the authority of]~~ this subchapter to any
8 person who is certified as a qualified handgun instructor or
9 approved online course provider and who pays to the department a fee
10 of \$40 in addition to the training fee. The department by rule may
11 prorate or waive the training fee for an employee of another
12 governmental entity.

13 SECTION 19. Sections [411.201\(c\)](#) and (e), Government Code,
14 are amended to read as follows:

15 (c) An active judicial officer is eligible for a license to
16 carry a handgun under ~~[the authority of]~~ this subchapter. A retired
17 judicial officer is eligible for a license to carry a handgun under
18 ~~[the authority of]~~ this subchapter if the officer:

- 19 (1) has not been convicted of a felony;
- 20 (2) has not, in the five years preceding the date of
21 application, been convicted of a Class A or Class B misdemeanor or
22 equivalent offense;
- 23 (3) is not charged with the commission of a Class A or
24 Class B misdemeanor or equivalent offense or of a felony under an
25 information or indictment;
- 26 (4) is not a chemically dependent person; and
- 27 (5) is not a person of unsound mind.

1 (e) On receipt of all the application materials required by
2 this section, the department shall:

3 (1) if the applicant is an active judicial officer,
4 issue a license to carry a handgun under [~~the authority of~~] this
5 subchapter; or

6 (2) if the applicant is a retired judicial officer,
7 conduct an appropriate background investigation to determine the
8 applicant's eligibility for the license and, if the applicant is
9 eligible, issue a license to carry a handgun under [~~the authority~~
10 ~~of~~] this subchapter.

11 SECTION 20. Section 411.201(h), Government Code, as
12 effective September 1, 2017, is amended to read as follows:

13 (h) The department shall issue a license to carry a handgun
14 under [~~the authority of~~] this subchapter to a United States
15 attorney or an assistant United States attorney, or to an attorney
16 elected or employed to represent the state in the prosecution of
17 felony cases, who meets the requirements of this section for an
18 active judicial officer. The department shall waive any fee
19 required for the issuance of an original, duplicate, or renewed
20 license under this subchapter for an applicant who is a United
21 States attorney or an assistant United States attorney or who is an
22 attorney elected or employed to represent the state in the
23 prosecution of felony cases.

24 SECTION 21. Section 411.203, Government Code, is amended to
25 read as follows:

26 Sec. 411.203. RIGHTS OF EMPLOYERS. (a) This subchapter
27 does not prevent or otherwise limit the right of a public or private

1 employer to prohibit persons who are licensed under this subchapter
2 or not otherwise prohibited from possessing a firearm from carrying
3 a handgun or other firearm on the premises of the business.

4 (b) In this section, "premises" has the meaning assigned by
5 Section 46.035(f) [~~46.035(f)(3)~~], Penal Code.

6 SECTION 22. Section 411.204(c), Government Code, is amended
7 to read as follows:

8 (c) The sign required under Subsections (a) and (b) must
9 give notice in both English and Spanish that it is unlawful for a
10 person, regardless of whether the person is licensed under this
11 subchapter, to carry a handgun on the premises. The sign must appear
12 in contrasting colors with block letters at least one inch in height
13 and must include on its face the number "51" printed in solid red at
14 least five inches in height. The sign shall be displayed in a
15 conspicuous manner clearly visible to the public.

16 SECTION 23. The heading to Section 411.206, Government
17 Code, is amended to read as follows:

18 Sec. 411.206. SEIZURE OF HANDGUN AND HANDGUN LICENSE.

19 SECTION 24. Sections 411.206(a) and (c), Government Code,
20 are amended to read as follows:

21 (a) If a peace officer arrests and takes into custody a
22 person [~~license holder~~] who is carrying a handgun [~~under the~~
23 ~~authority of this subchapter~~], the officer shall seize the person's
24 [~~license holder's~~] handgun. The peace officer also shall seize the
25 person's handgun [~~and~~] license as evidence if the person holds a
26 handgun license under this subchapter and is carrying the license
27 at the time of the arrest.

1 (c) Any judgment of conviction entered by any court for an
2 offense under Section 46.035, Penal Code, must contain the handgun
3 license number of the convicted person, if the person is a handgun
4 license holder. A certified copy of the judgment is conclusive and
5 sufficient evidence to justify revocation of a license under
6 Section 411.186(a)(4).

7 SECTION 25. Section 411.207, Government Code, is amended by
8 amending Subsections (a), (b), and (c) and adding Subsection (a-1)
9 to read as follows:

10 (a) A peace officer who is acting in the lawful discharge of
11 the officer's official duties may disarm a person, including a
12 license holder, who is carrying a handgun at any time the officer
13 reasonably believes it is necessary for the protection of the
14 person [~~license holder~~], officer, or another individual. The peace
15 officer shall return the handgun to the person [~~license holder~~]
16 before discharging the person [~~license holder~~] from the scene if
17 the officer determines that the person:

18 (1) [~~license holder~~] is not a threat to the officer,
19 person [~~license holder~~], or another individual;

20 (2) [~~and if the license holder~~] has not violated any
21 provision of this subchapter or committed any other violation that
22 results in the arrest of the person; and

23 (3) is not prohibited from possessing a firearm
24 [~~license holder~~].

25 (a-1) A peace officer may not disarm or detain a person
26 under Subsection (a) solely because the person is carrying a
27 handgun.

1 (b) A peace officer who is acting in the lawful discharge of
2 the officer's official duties may [~~temporarily~~] disarm only
3 temporarily a person, regardless of whether the person is a license
4 holder, when the person [~~a license holder~~] enters a nonpublic,
5 secure portion of a law enforcement facility. The[~~, if the~~] law
6 enforcement agency shall provide [~~provides~~] a gun locker where the
7 peace officer can secure the person's [~~license holder's~~] handgun.
8 The peace officer shall secure the handgun in the locker and shall
9 return the handgun to the person [~~license holder~~] immediately after
10 the person [~~license holder~~] leaves the nonpublic, secure portion of
11 the law enforcement facility.

12 (c) A law enforcement facility shall prominently display at
13 each entrance to a nonpublic, secure portion of the facility a sign
14 that gives notice in both English and Spanish that, under this
15 section, a peace officer may temporarily disarm a person,
16 regardless of whether the person is a license holder, when the
17 person [~~license holder~~] enters the nonpublic, secure portion of the
18 facility. The sign must appear in contrasting colors with block
19 letters at least one inch in height. The sign shall be displayed in
20 a clearly visible and conspicuous manner.

21 SECTION 26. The heading to Section 411.209, Government
22 Code, as effective September 1, 2017, is amended to read as follows:

23 Sec. 411.209. WRONGFUL EXCLUSION OF PERSON CARRYING HANDGUN
24 [~~LICENSE HOLDER~~].

25 SECTION 27. Section 411.209, Government Code, is amended by
26 amending Subsections (a) and (d), as effective September 1, 2017,
27 and adding Subsection (d-1) to read as follows:

1 (a) Except as provided by Subsection (i), a state agency or
2 a political subdivision of the state may not provide notice by a
3 communication described by Section 30.06 or 30.07, Penal Code, or
4 by any sign expressly referring to either of those provisions [~~that~~
5 ~~law or to a license to carry a handgun~~], that a person who is
6 [~~license holder~~] carrying a handgun [~~under the authority of this~~
7 ~~subchapter~~] is prohibited from entering or remaining on a premises
8 or other place owned or leased by the governmental entity unless a
9 person is [~~license holders are~~] prohibited from carrying a handgun
10 on the premises or other place by Section 46.03 or 46.035, Penal
11 Code, or other law.

12 (d) A resident of this state or a person licensed to carry a
13 handgun under this subchapter may file a complaint with the
14 attorney general that a state agency or political subdivision is in
15 violation of Subsection (a) if the resident or license holder
16 [~~person~~] provides the agency or subdivision a written notice that
17 describes the violation [~~and specific location of the sign found to~~
18 ~~be in violation~~] and the agency or subdivision does not cure the
19 violation before the end of the third business day after the date of
20 receiving the written notice. The written notice provided under
21 this subsection must include a copy of any document alleged to be in
22 violation or must describe the specific location of any sign found
23 to be in violation.

24 (d-1) A complaint filed with the attorney general under
25 Subsection (d) [~~this subsection~~] must include evidence of the
26 violation and a copy of the written notice provided to the agency or
27 subdivision.

1 SECTION 28. Section 411.209(f), Government Code, is amended
2 to read as follows:

3 (f) Before a suit may be brought against a state agency or a
4 political subdivision of the state for a violation of Subsection
5 (a), the attorney general must investigate the complaint to
6 determine whether legal action is warranted. If legal action is
7 warranted, the attorney general must give the chief administrative
8 officer of the agency or political subdivision charged with the
9 violation a written notice that:

10 (1) describes the violation and includes the
11 information described by Subsection (d) [~~specific location of the~~
12 ~~sign found to be in violation~~];

13 (2) states the amount of the proposed penalty for the
14 violation; and

15 (3) gives the agency or political subdivision 15 days
16 from receipt of the notice to [~~remove the sign and~~] cure the
17 violation to avoid the penalty, unless the agency or political
18 subdivision was found liable by a court for previously violating
19 Subsection (a).

20 SECTION 29. Section 12.092(b), Health and Safety Code, is
21 amended to read as follows:

22 (b) The medical advisory board shall assist the Department
23 of Public Safety of the State of Texas in determining whether:

24 (1) an applicant for a driver's license or a license
25 holder is capable of safely operating a motor vehicle; or

26 (2) an applicant for or holder of a license to carry a
27 handgun under [~~the authority of~~] Subchapter H, Chapter 411,

1 Government Code, or an applicant for or holder of a commission as a
2 security officer under Chapter 1702, Occupations Code, is capable
3 of exercising sound judgment with respect to the proper use and
4 storage of a handgun.

5 SECTION 30. Section 42.042(e-2), Human Resources Code, is
6 amended to read as follows:

7 (e-2) The department may not prohibit the foster parent of a
8 child who resides in the foster family's home from transporting the
9 child in a vehicle where a handgun is present if the handgun is in
10 the possession and control of the foster parent and the foster
11 parent is not prohibited from possessing a firearm [~~licensed to~~
12 ~~carry the handgun under Subchapter H, Chapter 411, Government~~
13 ~~Code~~].

14 SECTION 31. Section 52.062(a), Labor Code, is amended to
15 read as follows:

16 (a) Section 52.061 does not:

17 (1) authorize a person who is not prohibited from
18 possessing [~~holds a license to carry a handgun under Subchapter H,~~
19 ~~Chapter 411, Government Code, who otherwise lawfully possesses]~~ a
20 firearm[~~7~~] or [~~who lawfully possesses~~] ammunition to possess a
21 firearm or ammunition on any property where the possession of a
22 firearm or ammunition is prohibited by state or federal law; or

23 (2) apply to:

24 (A) a vehicle owned or leased by a public or
25 private employer and used by an employee in the course and scope of
26 the employee's employment, unless the employee is required to
27 transport or store a firearm in the official discharge of the

1 employee's duties;

2 (B) a school district;

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

5 (D) a private school, as defined by Section
6 22.081, Education Code;

7 (E) property owned or controlled by a person,
8 other than the employer, that is subject to a valid, unexpired oil,
9 gas, or other mineral lease that contains a provision prohibiting
10 the possession of firearms on the property; or

11 (F) property owned or leased by a chemical
12 manufacturer or oil and gas refiner with an air authorization under
13 Chapter 382, Health and Safety Code, and on which the primary
14 business conducted is the manufacture, use, storage, or
15 transportation of hazardous, combustible, or explosive materials,
16 except in regard to an employee who is not prohibited from
17 possessing a firearm or ammunition [~~holds a license to carry a~~
18 ~~handgun under Subchapter H, Chapter 411, Government Code,~~] and
19 [~~who~~] stores the [~~a~~] firearm or ammunition [~~the employee is~~
20 ~~authorized by law to possess~~] in a locked, privately owned motor
21 vehicle in a parking lot, parking garage, or other parking area the
22 employer provides for employees that is outside of a secured and
23 restricted area:

24 (i) that contains the physical plant;

25 (ii) that is not open to the public; and

26 (iii) the ingress into which is constantly
27 monitored by security personnel.

1 SECTION 32. Section 191.010(a), Local Government Code, is
2 amended to read as follows:

3 (a) In this section, "photo identification" means one of the
4 following forms of photo identification:

5 (1) a driver's license, election identification
6 certificate, or personal identification card issued to the person
7 by any state or territory of the United States that has not expired
8 or that expired no earlier than 60 days before the date of
9 presentation;

10 (2) a United States military identification card that
11 contains the person's photograph that has not expired or that
12 expired no earlier than 60 days before the date of presentation;

13 (3) a United States citizenship certificate issued to
14 the person that contains the person's photograph;

15 (4) a United States Permanent Resident Card that has
16 not expired or that expired no earlier than 60 days before the date
17 of presentation;

18 (5) an identification card issued by a municipality
19 intended to serve as a general identification card for the holder
20 that has not expired or that expired no earlier than 60 days before
21 the date of presentation;

22 (6) a federally recognized tribal enrollment card or
23 other form of tribal identification that has not expired or that
24 expired no earlier than 60 days before the date of presentation;

25 (7) a United States passport or a passport issued by a
26 foreign government recognized by the United States issued to the
27 person that has not expired or that expired no earlier than 60 days

1 before the date of presentation; or

2 (8) a license to carry a [~~concealed~~] handgun issued to
3 the person by the Department of Public Safety that has not expired
4 or that expired no earlier than 60 days before the date of
5 presentation.

6 SECTION 33. Section 229.001(b), Local Government Code, is
7 amended to read as follows:

8 (b) Subsection (a) does not affect the authority a
9 municipality has under another law to:

10 (1) require residents or public employees to be armed
11 for personal or national defense, law enforcement, or another
12 lawful purpose;

13 (2) regulate the discharge of firearms or air guns
14 within the limits of the municipality, other than at a sport
15 shooting range;

16 (3) regulate the use of property, the location of a
17 business, or uses at a business under the municipality's fire code,
18 zoning ordinance, or land-use regulations as long as the code,
19 ordinance, or regulations are not used to circumvent the intent of
20 Subsection (a) or Subdivision (5) of this subsection;

21 (4) regulate the use of firearms, air guns, or knives
22 in the case of an insurrection, riot, or natural disaster if the
23 municipality finds the regulations necessary to protect public
24 health and safety;

25 (5) regulate the storage or transportation of
26 explosives to protect public health and safety, except that 25
27 pounds or less of black powder for each private residence and 50

1 pounds or less of black powder for each retail dealer are not
2 subject to regulation;

3 (6) regulate the carrying of a firearm or air gun, ~~[by~~
4 ~~a person]~~ other than a ~~[person licensed to carry a]~~ handgun carried
5 by a person not prohibited from possessing a firearm ~~[under~~
6 ~~Subchapter H, Chapter 411, Government Code]~~, at a:

7 (A) ~~[public park,~~
8 ~~[(B)]~~ public meeting of a municipality, county,
9 or other governmental body;

10 ~~[(C) political rally, parade, or official~~
11 ~~political meeting;]~~ or

12 (B) ~~[(D)]~~ nonfirearms-related school, college,
13 or professional athletic event;

14 (7) regulate the hours of operation of a sport
15 shooting range, except that the hours of operation may not be more
16 limited than the least limited hours of operation of any other
17 business in the municipality other than a business permitted or
18 licensed to sell or serve alcoholic beverages for on-premises
19 consumption; or

20 (8) regulate the carrying of an air gun by a minor on:

21 (A) public property; or

22 (B) private property without consent of the
23 property owner.

24 SECTION 34. Sections 62.082(d) and (e), Parks and Wildlife
25 Code, are amended to read as follows:

26 (d) Section 62.081 does not apply to:

27 (1) an employee of the Lower Colorado River Authority;

1 (2) a person authorized to hunt under Subsection (c);

2 (3) a peace officer as defined by Article 2.12, Code of
3 Criminal Procedure; or

4 (4) a person who:

5 (A) is carrying [~~possesses~~] a handgun [~~and a~~
6 ~~license issued under Subchapter H, Chapter 411, Government Code, to~~
7 ~~carry a handgun~~]; or

8 (B) under circumstances in which the person would
9 be justified in the use of deadly force under Chapter 9, Penal Code,
10 shoots a handgun [~~the person is licensed to carry under Subchapter~~
11 ~~H, Chapter 411, Government Code~~].

12 (e) A state agency, including the department, the
13 Department of Public Safety, and the Lower Colorado River
14 Authority, may not adopt a rule that prohibits a person who is not
15 prohibited from possessing a firearm [~~possesses a license issued~~
16 ~~under Subchapter H, Chapter 411, Government Code,~~] from entering or
17 crossing the land of the Lower Colorado River Authority while:

18 (1) carrying [~~possessing~~] a handgun; or

19 (2) under circumstances in which the person would be
20 justified in the use of deadly force under Chapter 9, Penal Code,
21 shooting a handgun.

22 SECTION 35. Section 284.001(e), Parks and Wildlife Code, is
23 amended to read as follows:

24 (e) This section does not limit a person's [~~the~~] ability [~~of~~
25 ~~a license holder~~] to carry a handgun [~~under the authority of~~
26 ~~Subchapter H, Chapter 411, Government Code~~].

27 SECTION 36. Section 30.05(f), Penal Code, is amended to

1 read as follows:

2 (f) It is a defense to prosecution under this section that:

3 (1) the basis on which entry on the property or land or
4 in the building was forbidden is that entry with a firearm [~~handgun~~]
5 was forbidden; and

6 (2) the person was carrying[+]

7 [~~(A) a license issued under Subchapter H, Chapter~~
8 ~~411, Government Code, to carry a handgun; and~~

9 [~~(B)~~] a handgun:

10 (A) [~~(i)~~] in a concealed manner; or

11 (B) [~~(ii)~~] in a [~~shoulder or belt~~] holster.

12 SECTION 37. The heading to Section 30.06, Penal Code, is
13 amended to read as follows:

14 Sec. 30.06. TRESPASS BY PERSON [~~LICENSE HOLDER~~] WITH [A]
15 CONCEALED HANDGUN.

16 SECTION 38. Sections 30.06(a), (c), (d), and (e), Penal
17 Code, are amended to read as follows:

18 (a) A person [~~license holder~~] commits an offense if the
19 person [~~license holder~~]:

20 (1) carries a concealed handgun [~~under the authority~~
21 ~~of Subchapter H, Chapter 411, Government Code,~~] on property of
22 another without effective consent; and

23 (2) received notice that entry on the property by a
24 person [~~license holder~~] with a concealed handgun was forbidden.

25 (c) In this section:

26 (1) "Entry" has the meaning assigned by Section
27 30.05(b).

1 (2) ~~["License holder" has the meaning assigned by~~
2 ~~Section 46.035(f).~~

3 ~~(3)~~ "Written communication" means:

4 (A) a card or other document on which is written
5 language identical to the following: "Pursuant to Section 30.06,
6 Penal Code (trespass by person ~~[license holder]~~ with ~~[a]~~ concealed
7 handgun), a person ~~[licensed under Subchapter H, Chapter 411,~~
8 ~~Government Code (handgun licensing law),]~~ may not enter this
9 property with a concealed handgun"; or

10 (B) a sign posted on the property that:

11 (i) includes the language described by
12 Paragraph (A) in both English and Spanish;

13 (ii) appears in contrasting colors with
14 block letters at least one inch in height; and

15 (iii) is displayed in a conspicuous manner
16 clearly visible to the public at each entrance to the property.

17 (d) An offense under this section is a Class C misdemeanor
18 punishable by a fine not to exceed \$200, except that the offense is
19 a Class A misdemeanor if it is shown on the trial of the offense
20 that, after entering the property, the person ~~[license holder]~~ was
21 personally given the notice by oral communication described by
22 Subsection (b) and subsequently failed to depart.

23 (e) It is an exception to the application of this section
24 that the property on which the person ~~[license holder]~~ carries a
25 handgun is owned or leased by a governmental entity and is not a
26 premises or other place on which the person ~~[license holder]~~ is
27 prohibited from carrying the handgun under Section 46.03 or 46.035

1 or other law.

2 SECTION 39. The heading to Section 30.07, Penal Code, is
3 amended to read as follows:

4 Sec. 30.07. TRESPASS BY PERSON [~~LICENSE HOLDER~~] WITH [~~AN~~]
5 OPENLY CARRIED HANDGUN.

6 SECTION 40. Sections 30.07(a), (c), (d), (e), and (f),
7 Penal Code, are amended to read as follows:

8 (a) A person [~~license holder~~] commits an offense if the
9 person [~~license holder~~]:

10 (1) openly carries a handgun [~~under the authority of~~
11 ~~Subchapter H, Chapter 411, Government Code,~~] on property of another
12 without effective consent; and

13 (2) received notice that entry on the property by a
14 person [~~license holder~~] openly carrying a handgun was forbidden.

15 (c) In this section:

16 (1) "Entry" has the meaning assigned by Section
17 30.05(b).

18 (2) [~~"License holder" has the meaning assigned by~~
19 ~~Section 46.035(f).~~

20 [~~(3)~~] "Written communication" means:

21 (A) a card or other document on which is written
22 language identical to the following: "Pursuant to Section 30.07,
23 Penal Code (trespass by person [~~license holder~~] with [~~an~~] openly
24 carried handgun), a person [~~licensed under Subchapter H, Chapter~~
25 ~~411, Government Code (handgun licensing law),~~] may not enter this
26 property with a handgun that is carried openly"; or

27 (B) a sign posted on the property that:

1 (i) includes the language described by
2 Paragraph (A) in both English and Spanish;

3 (ii) appears in contrasting colors with
4 block letters at least one inch in height; and

5 (iii) is displayed in a conspicuous manner
6 clearly visible to the public at each entrance to the property.

7 (d) An offense under this section is a Class C misdemeanor
8 punishable by a fine not to exceed \$200, except that the offense is
9 a Class A misdemeanor if it is shown on the trial of the offense
10 that, after entering the property, the person [~~license holder~~] was
11 personally given the notice by oral communication described by
12 Subsection (b) and subsequently failed to depart.

13 (e) It is an exception to the application of this section
14 that the property on which the person [~~license holder~~] openly
15 carries a a [~~the~~] handgun is owned or leased by a governmental entity
16 and is not a premises or other place on which the person [~~license
17 holder~~] is prohibited from carrying the handgun under Section 46.03
18 or 46.035 or other law.

19 (f) It is not a defense to prosecution under this section
20 that the handgun was carried in a [~~shoulder or belt~~] holster.

21 SECTION 41. The following provisions are repealed:

22 (1) Sections 11.041, 11.61(e), 61.11, and 61.71(f),
23 Alcoholic Beverage Code;

24 (2) Sections 411.204(d) and 411.205, Government Code;

25 (3) Sections 46.02(a-1) and 46.15(j), Penal Code; and

26 (4) Section 46.035(h-1), Penal Code, as added by
27 Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular

1 Session, 2007.

2 SECTION 42. The change in law made by this Act relating to
3 the carrying of a handgun applies to the carrying of a handgun on or
4 after the effective date of this Act by any person not prohibited
5 from possessing a firearm.

6 SECTION 43. The changes in law made by this Act apply only
7 to an offense committed on or after the effective date of this Act.
8 An offense committed before the effective date of this Act is
9 governed by the law in effect when the offense was committed, and
10 the former law is continued in effect for that purpose. For
11 purposes of this section, an offense was committed before the
12 effective date of this Act if any element of the offense occurred
13 before that date.

14 SECTION 44. This Act takes effect December 1, 2017.