

By: Creighton

H.B. No. 1313

A BILL TO BE ENTITLED

1 AN ACT
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 CERTAIN 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.

12 (2) "Institution of higher education" has the meaning
13 assigned by Section 61.003, Education Code.

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

21 (4) "Premises" has the meaning assigned by Section
22 46.035, Penal Code.

23 (b) Except as provided by Subsection (c), an institution of
24 higher education in this state may not adopt any rule, regulation,

1 or other provision prohibiting license holders from carrying
2 handguns on the campus of the institution.

3 (c) An institution of higher education in this state may
4 establish rules, regulations, or other provisions concerning the
5 storage of handguns in dormitories that are owned or operated by the
6 institution and located on the campus of the institution.

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

10 (a) A court may not hold the state, an agency or subdivision
11 of the state, an officer or employee of the state, an institution of
12 higher education, an officer or employee of an institution of
13 higher education, a peace officer, or a qualified handgun
14 instructor liable for damages caused by:

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

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

20 (b) A cause of action in damages may not be brought against
21 the state, an agency or subdivision of the state, an officer or
22 employee of the state, an institution of higher education, an
23 officer or employee of an institution of higher education, a peace
24 officer, or a qualified handgun instructor for any damage caused by
25 the actions of an applicant or license holder under this
26 subchapter.

27 (d) The immunities granted under Subsections (a), (b), and

1 (c) do not apply to an act or a failure to act by the state, an
2 agency or subdivision of the state, an officer of the state, an
3 institution of higher education, an officer or employee of an
4 institution of higher education, or a peace officer if the act or
5 failure to act was capricious or arbitrary.

6 (f) For purposes of this section, "institution of higher
7 education" has the meaning assigned by Section 411.2031.

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

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

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

23 (A) pursuant to written regulations or written
24 authorization of the school or institution; or

25 (B) the person possesses or goes on the premises
26 of an institution of higher education, on any grounds or building
27 owned or leased by the institution and on which an activity

1 sponsored by the institution is being conducted, or on a passenger
2 transportation vehicle of the institution with a concealed handgun
3 that the person is licensed to carry pursuant to a license issued
4 under Subchapter H, Chapter 411, Government Code;

5 (2) on the premises of a polling place on the day of an
6 election or while early voting is in progress;

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

10 (4) on the premises of a racetrack;

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

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

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

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

21 (c) In this section:

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

25 (2) [~~1~~] "Premises" has the meaning assigned by
26 Section 46.035.

27 (3) [~~2~~] "Secured area" means an area of an airport

1 terminal building to which access is controlled by the inspection
2 of persons and property under federal law.

3 SECTION 4. Section 46.035, Penal Code, is amended by adding
4 Subsection (1) to read as follows:

5 (1) Subsection (b)(2) does not apply on premises owned or
6 leased by an institution of higher education as defined by Section
7 61.003, Education Code, and where a collegiate sporting event
8 sponsored by the institution is taking place if the actor was not
9 given effective notice under Section 30.06.

10 SECTION 5. Section 411.208, Government Code, as amended by
11 this Act, applies only to a cause of action that accrues on or after
12 the effective date of this Act. A cause of action that accrued
13 before the effective date of this Act is governed by the law in
14 effect immediately before the effective date of this Act, and the
15 former law is continued in effect for that purpose.

16 SECTION 6. Sections 46.03 and 46.035, Penal Code, as
17 amended by this Act, apply only to an offense committed on or after
18 the effective date of this Act. An offense committed before the
19 effective date of this Act is governed by the law in effect on the
20 date the offense was committed, and the former law is continued in
21 effect for that purpose. For purposes of this section, an offense
22 was committed before the effective date of this Act if any element
23 of the offense occurred before that date.

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