

By: Stickland

H.B. No. 357

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 2019.

9 SECTION 2. Section 46.02, Penal Code, is amended by
10 amending Subsections (a) and (d) and adding Subsections (a-5) and
11 (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), (e-2), and (f), Penal Code,
14 are 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 (f) Except as provided by Subsection (e-1), it is not a
9 defense to prosecution under this section that the actor possessed
10 a handgun and was:

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

13 (2) not otherwise prohibited from possessing a
14 firearm.

15 SECTION 4. Chapter 46, Penal Code, is amended by adding
16 Section 46.032 to read as follows:

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

21 (1) a concealed handgun; or

22 (2) a partially or wholly visible handgun in a
23 holster.

24 SECTION 5. The heading to Section 46.035, Penal Code, is
25 amended to read as follows:

26 Sec. 46.035. UNLAWFUL CARRYING OF HANDGUN [~~BY LICENSE~~
27 ~~HOLDER~~].

1 SECTION 6. Section 46.035, Penal Code, is amended by
2 amending Subsections (a), (b), (c), and (d) and adding Subsection
3 (d-1) to read as follows:

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

12 (b) A person [~~license holder~~] commits an offense if the
13 person [~~license holder~~] intentionally, knowingly, or recklessly
14 carries a handgun [~~under the authority of Subchapter H, Chapter~~
15 ~~411, Government Code~~], regardless of whether the handgun is
16 concealed or carried in a [~~shoulder or belt~~] holster [~~, on or about~~
17 ~~the license holder's person~~]:

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

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

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

2 (4) on the premises of a hospital licensed under
3 Chapter 241, Health and Safety Code, or on the premises of a nursing
4 facility licensed under Chapter 242, Health and Safety Code, unless
5 the person [~~license holder~~] has written authorization of the
6 hospital or nursing facility administration, as appropriate;

7 (5) in an amusement park;

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

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

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

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

24 (d-1) A person commits an offense if the person
25 intentionally, knowingly, or recklessly carries a handgun when the
26 person is:

27 (1) engaged in criminal activity, other than a Class C

1 misdemeanor that is a violation of a law or ordinance regulating
2 traffic or boating; or

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

4 SECTION 7. Section 46.035(f), Penal Code, is amended by
5 adding Subdivision (1-b) to read as follows:

6 (1-b) "Intoxicated" has the meaning assigned by
7 Section 49.01.

8 SECTION 8. Section 46.035(h-1), Penal Code, as added by
9 Chapter 1214 (H.B. 1889), Acts of the 80th Legislature, Regular
10 Session, 2007, is amended to read as follows:

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

14 (1) an active judicial officer, as defined by Section
15 411.201, Government Code; ~~or~~

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

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

19 (4) the attorney general or a United States attorney,
20 assistant United States attorney, assistant attorney general,
21 district attorney, assistant district attorney, criminal district
22 attorney, assistant criminal district attorney, county attorney,
23 or assistant county attorney.

24 SECTION 9. Sections 46.15(a) and (b), Penal Code, are
25 amended to read as follows:

26 (a) Sections 46.02, ~~and~~ 46.03, and 46.035(b) and (c) do
27 not apply to:

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

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

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

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

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

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

24 (B) authorized to carry a weapon under Section
25 76.0051, Government Code;

26 (4) an active judicial officer as defined by Section
27 411.201, Government Code, who is licensed to carry a handgun under

1 Subchapter H, Chapter 411, Government Code;

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

9 (A) an honorably retired peace officer;

10 (B) a qualified retired law enforcement officer;

11 (C) a federal criminal investigator; or

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

15 (6) the attorney general or a United States attorney,
16 district attorney, criminal district attorney, county attorney, or
17 municipal attorney who is licensed to carry a handgun under
18 Subchapter H, Chapter 411, Government Code;

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

23 (8) a bailiff designated by an active judicial officer
24 as defined by Section 411.201, Government Code, who is:

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

27 (B) engaged in escorting the judicial officer;

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

3 (10) a person who is volunteer emergency services
4 personnel if the person is:

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

7 (B) engaged in providing emergency services.

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

9 (1) is in the actual discharge of official duties as a
10 member of the armed forces or state military forces as defined by
11 Section 437.001, Government Code, or as a guard employed by a penal
12 institution;

13 (2) is traveling;

14 (3) is engaging in lawful hunting, fishing, or other
15 sporting activity on the immediate premises where the activity is
16 conducted, or is en route between the premises and the actor's
17 residence, motor vehicle, or watercraft, if the weapon is a type
18 commonly used in the activity;

19 (4) holds a security officer commission issued by the
20 Texas Private Security Board, if the person is engaged in the
21 performance of the person's duties as an officer commissioned under
22 Chapter 1702, Occupations Code, or is traveling to or from the
23 person's place of assignment and is wearing the officer's uniform
24 and carrying the officer's weapon in plain view;

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

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

5 (B) is either:

6 (i) wearing the uniform of a security
7 officer, including any uniform or apparel described by Section
8 1702.323(d), Occupations Code, and carrying the officer's weapon in
9 plain view; or

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

12 (6) ~~[is carrying:~~

13 ~~[(A) a license issued under Subchapter H, Chapter~~
14 ~~411, Government Code, to carry a handgun; and~~

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

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

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

18 ~~[(7)]~~ holds an alcoholic beverage permit or license or
19 is an employee of a holder of an alcoholic beverage permit or
20 license if the person is supervising the operation of the permitted
21 or licensed premises; or

22 (7) ~~[(8)]~~ is a student in a law enforcement class
23 engaging in an activity required as part of the class, if the weapon
24 is a type commonly used in the activity and the person is:

25 (A) on the immediate premises where the activity
26 is conducted; or

27 (B) en route between those premises and the

1 person's residence and is carrying the weapon unloaded.

2 SECTION 10. Chapter 507, Business & Commerce Code, is
3 amended to read as follows:

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

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

15 (b) This section does not affect~~+~~
16 ~~[(1) the requirement under Section 411.205,~~
17 ~~Government Code, that a person subject to that section present a~~
18 ~~driver's license or identification certificate in addition to a~~
19 ~~concealed handgun license, or~~

20 ~~[(2)]~~ the types of identification required under
21 federal law to access airport premises or pass through airport
22 security.

23 SECTION 11. Section 51.220(g), Education Code, is amended
24 to read as follows:

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

27 (1) expiration of the employee's school marshal

1 license under Section 1701.260, Occupations Code;

2 (2) suspension or revocation of the employee's license
3 to carry a ~~concealed~~ handgun issued under Subchapter H, Chapter
4 411, Government Code;

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

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

10 SECTION 12. Section 231.302(c-1), Family Code, is amended
11 to read as follows:

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

17 SECTION 13. The heading to Subchapter H, Chapter 411,
18 Government Code, is amended to read as follows:

19 SUBCHAPTER H. LICENSE TO CARRY [A] HANDGUN AND OTHER PROVISIONS
20 RELATING TO CARRYING OF FIREARMS

21 SECTION 14. Sections 411.1741(a) and (b), Government Code,
22 are amended to read as follows:

23 (a) When a person applies for an original or renewal license
24 to carry a ~~concealed~~ handgun under this subchapter, the person
25 may make a voluntary contribution in any amount to the fund for
26 veterans' assistance established by Section 434.017.

27 (b) The department shall:

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

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

10 SECTION 15. Section [411.190\(c\)](#), Government Code, is amended
11 to read as follows:

12 (c) In the manner applicable to a person who applies for a
13 license to carry a handgun, the department shall conduct a
14 background check of a person who applies for certification as a
15 qualified handgun instructor or approved online course provider.
16 If the background check indicates that the applicant for
17 certification would not qualify to receive a handgun license, the
18 department may not certify the applicant as a qualified handgun
19 instructor or approved online course provider. If the background
20 check indicates that the applicant for certification would qualify
21 to receive a handgun license, the department shall provide handgun
22 instructor or online course provider training to the applicant.
23 The applicant shall pay a fee of \$100 to the department for the
24 training. The applicant must take and successfully complete the
25 training offered by the department and pay the training fee before
26 the department may certify the applicant as a qualified handgun
27 instructor or approved online course provider. The department

1 shall issue a license to carry a handgun under [~~the authority of~~]
2 this subchapter to any person who is certified as a qualified
3 handgun instructor or approved online course provider and who pays
4 to the department a fee of \$40 in addition to the training fee. The
5 department by rule may prorate or waive the training fee for an
6 employee of another governmental entity.

7 SECTION 16. Sections 411.201(c), (e), and (h), Government
8 Code, are amended to read as follows:

9 (c) An active judicial officer is eligible for a license to
10 carry a handgun under [~~the authority of~~] this subchapter. A retired
11 judicial officer is eligible for a license to carry a handgun under
12 [~~the authority of~~] this subchapter if the officer:

13 (1) has not been convicted of a felony;

14 (2) has not, in the five years preceding the date of
15 application, been convicted of a Class A or Class B misdemeanor or
16 equivalent offense;

17 (3) is not charged with the commission of a Class A or
18 Class B misdemeanor or equivalent offense or of a felony under an
19 information or indictment;

20 (4) is not a chemically dependent person; and

21 (5) is not a person of unsound mind.

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

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

27 (2) if the applicant is a retired judicial officer,

1 conduct an appropriate background investigation to determine the
2 applicant's eligibility for the license and, if the applicant is
3 eligible, issue a license to carry a handgun under [~~the authority~~
4 ~~of~~] this subchapter.

5 (h) The department shall issue a license to carry a handgun
6 under [~~the authority of~~] this subchapter to a United States
7 attorney or an assistant United States attorney, or to an attorney
8 elected or employed to represent the state in the prosecution of
9 felony cases, who meets the requirements of this section for an
10 active judicial officer. The department shall waive any fee
11 required for the issuance of an original, duplicate, or renewed
12 license under this subchapter for an applicant who is a United
13 States attorney or an assistant United States attorney or who is an
14 attorney elected or employed to represent the state in the
15 prosecution of felony cases.

16 SECTION 17. Section 411.203, Government Code, is amended to
17 read as follows:

18 Sec. 411.203. RIGHTS OF EMPLOYERS. (a) This subchapter
19 does not prevent or otherwise limit the right of a public or private
20 employer to prohibit persons who are licensed under this subchapter
21 or not otherwise prohibited from possessing a firearm from carrying
22 a handgun or other firearm on the premises of the business.

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

25 SECTION 18. Section 411.204(c), Government Code, is amended
26 to read as follows:

27 (c) The sign required under Subsections (a) and (b) must

1 give notice in both English and Spanish that it is unlawful for a
2 person, regardless of whether the person is licensed under this
3 subchapter, to carry a handgun on the premises. The sign must
4 appear in contrasting colors with block letters at least one inch in
5 height and must include on its face the number "51" printed in solid
6 red at least five inches in height. The sign shall be displayed in a
7 conspicuous manner clearly visible to the public.

8 SECTION 19. The heading to Section 411.206, Government
9 Code, is amended to read as follows:

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

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

13 (a) If a peace officer arrests and takes into custody a
14 person [~~license holder~~] who is carrying a handgun [~~under the~~
15 ~~authority of this subchapter~~], the officer shall seize the person's
16 [~~license holder's~~] handgun. The peace officer also shall seize the
17 person's handgun [~~and~~] license as evidence if the person holds a
18 handgun license under this subchapter and is carrying the license
19 at the time of the arrest.

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

26 SECTION 21. Section 411.207, Government Code, is amended by
27 amending Subsections (a), (b), and (c) and adding Subsection (a-1)

1 to read as follows:

2 (a) A peace officer who is acting in the lawful discharge of
3 the officer's official duties may disarm a person, including a
4 license holder, who is carrying a handgun at any time the officer
5 reasonably believes it is necessary for the protection of the
6 person [~~license holder~~], officer, or another individual. The peace
7 officer shall return the handgun to the person [~~license holder~~]
8 before discharging the person [~~license holder~~] from the scene if
9 the officer determines that the person:

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

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

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

17 (a-1) A peace officer may not disarm or detain a person
18 under Subsection (a) solely because the person is carrying a
19 handgun.

20 (b) A peace officer who is acting in the lawful discharge of
21 the officer's official duties may [~~temporarily~~] disarm only
22 temporarily a person, regardless of whether the person is a license
23 holder, when the person [~~a license holder~~] enters a nonpublic,
24 secure portion of a law enforcement facility. The [~~, if the~~] law
25 enforcement agency shall provide [~~provides~~] a gun locker where the
26 peace officer can secure the person's [~~license holder's~~] handgun.
27 The peace officer shall secure the handgun in the locker and shall

1 return the handgun to the person [~~license holder~~] immediately after
2 the person [~~license holder~~] leaves the nonpublic, secure portion of
3 the law enforcement facility.

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

13 SECTION 22. The heading to Section 411.209, Government
14 Code, is amended to read as follows:

15 Sec. 411.209. WRONGFUL EXCLUSION OF PERSON CARRYING HANDGUN
16 [~~LICENSE HOLDER~~].

17 SECTION 23. Section 411.209, Government Code, is amended by
18 amending Subsections (a), (d), and (f) and adding Subsection (d-1)
19 to read as follows:

20 (a) Except as provided by Subsection (i), a state agency or
21 a political subdivision of the state may not provide notice by a
22 communication described by Section 30.06 or 30.07, Penal Code, or
23 by any sign expressly referring to either of those provisions [~~that~~
24 ~~law or to a license to carry a handgun~~], that a person who is
25 [~~license holder~~] carrying a handgun [~~under the authority of this~~
26 ~~subchapter~~] is prohibited from entering or remaining on a premises
27 or other place owned or leased by the governmental entity unless a

1 person is [~~license holders are~~] prohibited from carrying a handgun
2 on the premises or other place by Section 46.03 or 46.035, Penal
3 Code, or other law.

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

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

20 (f) Before a suit may be brought against a state agency or a
21 political subdivision of the state for a violation of Subsection
22 (a), the attorney general must investigate the complaint to
23 determine whether legal action is warranted. If legal action is
24 warranted, the attorney general must give the chief administrative
25 officer of the agency or political subdivision charged with the
26 violation a written notice that:

27 (1) describes the violation and includes the

1 information described by Subsection (d) [~~specific location of the~~
2 ~~sign found to be in violation~~];

3 (2) states the amount of the proposed penalty for the
4 violation; and

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

10 SECTION 24. Section 12.092(b), Health and Safety Code, is
11 amended to read as follows:

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

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

16 (2) an applicant for or holder of a license to carry a
17 handgun under [~~the authority of~~] Subchapter H, Chapter 411,
18 Government Code, or an applicant for or holder of a commission as a
19 security officer under Chapter 1702, Occupations Code, is capable
20 of exercising sound judgment with respect to the proper use and
21 storage of a handgun.

22 SECTION 25. Section 42.042(e-2), Human Resources Code, is
23 amended to read as follows:

24 (e-2) The department may not prohibit the foster parent of a
25 child who resides in the foster family's home from transporting the
26 child in a vehicle where a handgun is present if the handgun is in
27 the possession and control of the foster parent and the foster

1 parent is not prohibited from possessing a firearm [~~licensed to~~
2 ~~carry the handgun under Subchapter H, Chapter 411, Government~~
3 ~~Code~~].

4 SECTION 26. Section 52.062(a), Labor Code, is amended to
5 read as follows:

6 (a) Section 52.061 does not:

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

13 (2) apply to:

14 (A) a vehicle owned or leased by a public or
15 private employer and used by an employee in the course and scope of
16 the employee's employment, unless the employee is required to
17 transport or store a firearm in the official discharge of the
18 employee's duties;

19 (B) a school district;

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

22 (D) a private school, as defined by Section
23 22.081, Education Code;

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

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

- 14 (i) that contains the physical plant;
15 (ii) that is not open to the public; and
16 (iii) the ingress into which is constantly
17 monitored by security personnel.

18 SECTION 27. Section 191.010(a), Local Government Code, is
19 amended to read as follows:

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

22 (1) a driver's license, election identification
23 certificate, or personal identification card issued to the person
24 by any state or territory of the United States that has not expired
25 or that expired no earlier than 60 days before the date of
26 presentation;

27 (2) a United States military identification card that

1 contains the person's photograph that has not expired or that
2 expired no earlier than 60 days before the date of presentation;

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

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

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

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

15 (7) a United States passport or a passport issued by a
16 foreign government recognized by the United States issued to the
17 person that has not expired or that expired no earlier than 60 days
18 before the date of presentation; or

19 (8) a license to carry a ~~concealed~~ handgun issued to
20 the person by the Department of Public Safety that has not expired
21 or that expired no earlier than 60 days before the date of
22 presentation.

23 SECTION 28. Section [229.001\(b\)](#), Local Government Code, is
24 amended to read as follows:

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

27 (1) require residents or public employees to be armed

1 for personal or national defense, law enforcement, or another
2 lawful purpose;

3 (2) regulate the discharge of firearms or air guns
4 within the limits of the municipality, other than at a sport
5 shooting range;

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

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

15 (5) regulate the storage or transportation of
16 explosives to protect public health and safety, except that 25
17 pounds or less of black powder for each private residence and 50
18 pounds or less of black powder for each retail dealer are not
19 subject to regulation;

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

24 (A) ~~[public park,~~
25 ~~[(B)]~~ public meeting of a municipality, county,
26 or other governmental body;

27 ~~[(C) political rally, parade, or official~~

1 ~~political meeting;~~ or

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

4 (7) regulate the hours of operation of a sport
5 shooting range, except that the hours of operation may not be more
6 limited than the least limited hours of operation of any other
7 business in the municipality other than a business permitted or
8 licensed to sell or serve alcoholic beverages for on-premises
9 consumption; or

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

11 (A) public property; or

12 (B) private property without consent of the
13 property owner.

14 SECTION 29. Sections [62.082](#)(d) and (e), Parks and Wildlife
15 Code, are amended to read as follows:

16 (d) Section [62.081](#) does not apply to:

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

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

19 (3) a peace officer as defined by Article [2.12](#), Code of
20 Criminal Procedure; or

21 (4) a person who:

22 (A) is carrying [~~possesses~~] a handgun [~~and a~~
23 ~~license issued under Subchapter H, Chapter [411](#), Government Code, to~~
24 ~~carry a handgun~~]; or

25 (B) under circumstances in which the person would
26 be justified in the use of deadly force under Chapter [9](#), Penal Code,
27 shoots a handgun [~~the person is licensed to carry under Subchapter~~

1 ~~H, Chapter 411, Government Code].~~

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

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

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

12 SECTION 30. Section 284.001(e), Parks and Wildlife Code, is
13 amended to read as follows:

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

17 SECTION 31. Section 30.05(f), Penal Code, is amended to
18 read as follows:

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

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

23 (2) the person was carrying[+]

24 [~~(A) a license issued under Subchapter H, Chapter~~
25 ~~411, Government Code, to carry a handgun, and~~

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

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

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

2 SECTION 32. The heading to Section 30.06, Penal Code, is
3 amended to read as follows:

4 Sec. 30.06. TRESPASS BY PERSON [~~LICENSE HOLDER~~] WITH [~~A~~]
5 CONCEALED HANDGUN.

6 SECTION 33. Sections 30.06(a), (c), (d), and (e), Penal
7 Code, are amended to read as follows:

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

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

13 (2) received notice that entry on the property by a
14 person [~~license holder~~] with a concealed 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 30.06,
23 Penal Code (trespass by person [~~license holder~~] with [~~a~~] concealed
24 handgun), a person [~~licensed under Subchapter H, Chapter 411,~~
25 ~~Government Code (handgun licensing law),~~] may not enter this
26 property with a concealed handgun"; 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~~] carries a
15 handgun is owned or leased by a governmental entity and is not a
16 premises or other place on which the person [~~license holder~~] is
17 prohibited from carrying the handgun under Section 46.03 or 46.035
18 or other law.

19 SECTION 34. The heading to Section 30.07, Penal Code, is
20 amended to read as follows:

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

23 SECTION 35. Sections 30.07(a), (c), (d), (e), and (f),
24 Penal Code, are amended to read as follows:

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

27 (1) openly carries a handgun [~~under the authority of~~

1 ~~Subchapter H, Chapter 411, Government Code,~~ on property of another
2 without effective consent; and

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

5 (c) In this section:

6 (1) "Entry" has the meaning assigned by Section
7 30.05(b).

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

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

11 (A) a card or other document on which is written
12 language identical to the following: "Pursuant to Section 30.07,
13 Penal Code (trespass by person [~~license holder~~] with [~~an~~] openly
14 carried handgun), a person [~~licensed under Subchapter H, Chapter~~
15 ~~411, Government Code (handgun licensing law),~~] may not enter this
16 property with a handgun that is carried openly"; or

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

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

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

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

24 (d) An offense under this section is a Class C misdemeanor
25 punishable by a fine not to exceed \$200, except that the offense is
26 a Class A misdemeanor if it is shown on the trial of the offense
27 that, after entering the property, the person [~~license holder~~] was

1 personally given the notice by oral communication described by
2 Subsection (b) and subsequently failed to depart.

3 (e) It is an exception to the application of this section
4 that the property on which the person [~~license holder~~] openly
5 carries a a [~~the~~] handgun is owned or leased by a governmental entity
6 and is not a premises or other place on which the person [~~license~~
7 ~~holder~~] is prohibited from carrying the handgun under Section 46.03
8 or 46.035 or other law.

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

11 SECTION 36. The following provisions are repealed:

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

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

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

16 (4) Section 46.035(h-1), Penal Code, as added by
17 Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular
18 Session, 2007.

19 SECTION 37. The change in law made by this Act relating to
20 the carrying of a handgun applies to the carrying of a handgun on or
21 after the effective date of this Act by any person not prohibited
22 from possessing a firearm.

23 SECTION 38. The changes in law made by this Act apply only
24 to an offense committed on or after the effective date of this Act.
25 An offense committed before the effective date of this Act is
26 governed by the law in effect when the offense was committed, and
27 the former law is continued in effect for that purpose. For

1 purposes of this section, an offense was committed before the
2 effective date of this Act if any element of the offense occurred
3 before that date.

4 SECTION 39. This Act takes effect September 1, 2019.