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Chapter 438

S.B. No. 11

1 AN ACT
2 relating to the carrying of handguns on the campuses of and certain
3 other locations associated with institutions of higher education;
4 providing a criminal penalty.

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 LICENSE HOLDERS ON
9 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 or private or
12 independent institution of higher education.

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

16 (3) "Premises" has the meaning assigned by Section
17 46.035, Penal Code.

18 (b) A license holder may carry a concealed handgun on or
19 about the license holder's person while the license holder is on the
20 campus of an institution of higher education or private or
21 independent institution of higher education in this state.

22 (c) Except as provided by Subsection (d), (d-1), or (e), an
23 institution of higher education or private or independent
24 institution of higher education in this state may not adopt any

S.B. No. 11

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

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

9 (d-1) After consulting with students, staff, and faculty of
10 the institution regarding the nature of the student population,
11 specific safety considerations, and the uniqueness of the campus
12 environment, the president or other chief executive officer of an
13 institution of higher education in this state shall establish
14 reasonable rules, regulations, or other provisions regarding the
15 carrying of concealed handguns by license holders on the campus of
16 the institution or on premises located on the campus of the
17 institution. The president or officer may not establish provisions
18 that generally prohibit or have the effect of generally prohibiting
19 license holders from carrying concealed handguns on the campus of
20 the institution. The president or officer may amend the provisions
21 as necessary for campus safety. The provisions take effect as
22 determined by the president or officer unless subsequently amended
23 by the board of regents or other governing board under Subsection
24 (d-2). The institution must give effective notice under Section
25 30.06, Penal Code, with respect to any portion of a premises on
26 which license holders may not carry.

27 (d-2) Not later than the 90th day after the date that the

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S.B. No. 11

1 rules, regulations, or other provisions are established as
2 described by Subsection (d-1), the board of regents or other
3 governing board of the institution of higher education shall review
4 the provisions. The board of regents or other governing board may,
5 by a vote of not less than two-thirds of the board, amend wholly or
6 partly the provisions established under Subsection (d-1). If
7 amended under this subsection, the provisions are considered to be
8 those of the institution as established under Subsection (d-1).

9 (d-3) An institution of higher education shall widely
10 distribute the rules, regulations, or other provisions described by
11 Subsection (d-1) to the institution's students, staff, and faculty,
12 including by prominently publishing the provisions on the
13 institution's Internet website.

14 (d-4) Not later than September 1 of each even-numbered year,
15 each institution of higher education in this state shall submit a
16 report to the legislature and to the standing committees of the
17 legislature with jurisdiction over the implementation and
18 continuation of this section that:

19 (1) describes its rules, regulations, or other
20 provisions regarding the carrying of concealed handguns on the
21 campus of the institution; and

22 (2) explains the reasons the institution has
23 established those provisions.

24 (e) A private or independent institution of higher
25 education in this state, after consulting with students, staff, and
26 faculty of the institution, may establish rules, regulations, or
27 other provisions prohibiting license holders from carrying

S.B. No. 11

1 handguns on the campus of the institution, any grounds or building
2 on which an activity sponsored by the institution is being
3 conducted, or a passenger transportation vehicle owned by the
4 institution.

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

8 (a) A court may not hold the state, an agency or subdivision
9 of the state, an officer or employee of the state, an institution of
10 higher education, an officer or employee of an institution of
11 higher education, a private or independent institution of higher
12 education that has not adopted rules under Section 411.2031(e), an
13 officer or employee of a private or independent institution of
14 higher education that has not adopted rules under Section
15 411.2031(e), a peace officer, or a qualified handgun instructor
16 liable for damages caused by:

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

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

22 (b) A cause of action in damages may not be brought against
23 the state, an agency or subdivision of the state, an officer or
24 employee of the state, an institution of higher education, an
25 officer or employee of an institution of higher education, a
26 private or independent institution of higher education that has not
27 adopted rules under Section 411.2031(e), an officer or employee of

S.B. No. 11

1 a private or independent institution of higher education that has
2 not adopted rules under Section 411.2031(e), a peace officer, or a
3 qualified handgun instructor for any damage caused by the actions
4 of an applicant or license holder under this subchapter.

5 (d) The immunities granted under Subsections (a), (b), and
6 (c) do not apply to:

7 (1) an act or a failure to act by the state, an agency
8 or subdivision of the state, an officer of the state, an institution
9 of higher education, an officer or employee of an institution of
10 higher education, a private or independent institution of higher
11 education that has not adopted rules under Section 411.2031(e), an
12 officer or employee of a private or independent institution of
13 higher education that has not adopted rules under Section
14 411.2031(e), or a peace officer if the act or failure to act was
15 capricious or arbitrary; or

16 (2) any officer or employee of an institution of
17 higher education or private or independent institution of higher
18 education described by Subdivision (1) who possesses a handgun on
19 the campus of that institution and whose conduct with regard to the
20 handgun is made the basis of a claim for personal injury or property
21 damage.

22 (f) For purposes of this section:

23 (1) "Campus" has the meaning assigned by Section
24 411.2031.

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

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S.B. No. 11

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

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

6 (1) on the physical premises of a school or
7 educational institution, any grounds or building on which an
8 activity sponsored by a school or educational institution is being
9 conducted, or a passenger transportation vehicle of a school or
10 educational institution, whether the school or educational
11 institution is public or private, unless:

12 (A) pursuant to written regulations or written
13 authorization of the institution; or

14 (B) the person possesses or goes with a concealed
15 handgun that the person is licensed to carry under Subchapter H,
16 Chapter 411, Government Code, and no other weapon to which this
17 section applies, on the premises of an institution of higher
18 education or private or independent institution of higher
19 education, on any grounds or building on which an activity
20 sponsored by the institution is being conducted, or in a passenger
21 transportation vehicle of the institution;

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

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

27 (4) on the premises of a racetrack;

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

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

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

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

11 (c) In this section:

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

15 (2) "Premises" has the meaning assigned by Section
16 46.035.

17 (3) [~~(2)~~] "Secured area" means an area of an airport
18 terminal building to which access is controlled by the inspection
19 of persons and property under federal law.

20 SECTION 4. Section 46.035, Penal Code, is amended by adding
21 Subsections (a-1), (a-2), (a-3), and (l) and amending Subsections
22 (g), (h), and (j) to read as follows:

23 (a-1) Notwithstanding Subsection (a), a license holder
24 commits an offense if the license holder carries a partially or
25 wholly visible handgun, regardless of whether the handgun is
26 holstered, on or about the license holder's person under the
27 authority of Subchapter H, Chapter 411, Government Code, and

S.B. No. 11

1 intentionally or knowingly displays the handgun in plain view of
2 another person:

3 (1) on the premises of an institution of higher
4 education or private or independent institution of higher
5 education; or

6 (2) on any public or private driveway, street,
7 sidewalk or walkway, parking lot, parking garage, or other parking
8 area of an institution of higher education or private or
9 independent institution of higher education.

10 (a-2) Notwithstanding Subsection (a) or Section 46.03(a), a
11 license holder commits an offense if the license holder carries a
12 handgun on the campus of a private or independent institution of
13 higher education in this state that has established rules,
14 regulations, or other provisions prohibiting license holders from
15 carrying handguns pursuant to Section 411.2031(e), Government
16 Code, or on the grounds or building on which an activity sponsored
17 by such an institution is being conducted, or in a passenger
18 transportation vehicle of such an institution, regardless of
19 whether the handgun is concealed, provided the institution gives
20 effective notice under Section 30.06.

21 (a-3) Notwithstanding Subsection (a) or Section 46.03(a), a
22 license holder commits an offense if the license holder
23 intentionally carries a concealed handgun on a portion of a
24 premises located on the campus of an institution of higher
25 education in this state on which the carrying of a concealed handgun
26 is prohibited by rules, regulations, or other provisions
27 established under Section 411.2031(d-1), Government Code, provided

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S.B. No. 11

1 the institution gives effective notice under Section 30.06 with
2 respect to that portion.

3 (g) An offense under Subsection (a), (a-1), (a-2), (a-3),
4 (b), (c), (d), or (e) is a Class A misdemeanor, unless the offense
5 is committed under Subsection (b)(1) or (b)(3), in which event the
6 offense is a felony of the third degree.

7 (h) It is a defense to prosecution under Subsection (a),
8 (a-1), (a-2), or (a-3) that the actor, at the time of the commission
9 of the offense, displayed the handgun under circumstances in which
10 the actor would have been justified in the use of force or deadly
11 force under Chapter 9.

12 (j) Subsections (a), (a-1), (a-2), (a-3), and (b)(1) do not
13 apply to a historical reenactment performed in compliance with the
14 rules of the Texas Alcoholic Beverage Commission.

15 (1) Subsection (b)(2) does not apply on the premises where a
16 collegiate sporting event is taking place if the actor was not given
17 effective notice under Section 30.06.

18 SECTION 5. Section 46.035(f), Penal Code, is amended by
19 adding Subdivision (1-a) to read as follows:

20 (1-a) "Institution of higher education" and "private
21 or independent institution of higher education" have the meanings
22 assigned by Section 61.003, Education Code.

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

S.B. No. 11

1 effect for that purpose.

2 SECTION 7. The change in law made by this Act applies only
3 to an offense committed on or after the effective date of this Act.
4 An offense committed before the effective date of this Act is
5 governed by the law in effect on the date the offense was committed,
6 and the former law is continued in effect for that purpose. For
7 purposes of this section, an offense was committed before the
8 effective date of this Act if any element of the offense occurred
9 before that date.

10 SECTION 8. (a) Except as otherwise provided by this
11 section, this Act takes effect August 1, 2016.

12 (b) Before August 1, 2016, the president or other chief
13 executive officer of an institution of higher education, as defined
14 by Section 61.003, Education Code, other than a public junior
15 college as defined by that section, shall take any action necessary
16 to adopt rules, regulations, or other provisions as required by
17 Section 411.2031, Government Code, as added by this Act.
18 Notwithstanding any other law, the president or other chief
19 executive officer shall establish rules, regulations, or other
20 provisions under Section 411.2031(d-1), Government Code, as added
21 by this Act, that take effect August 1, 2016.

22 (c) Before August 1, 2016, a private or independent
23 institution of higher education, as defined by Section 61.003,
24 Education Code, may take any action necessary to adopt rules,
25 regulations, or other provisions as authorized under Section
26 411.2031, Government Code, as added by this Act.

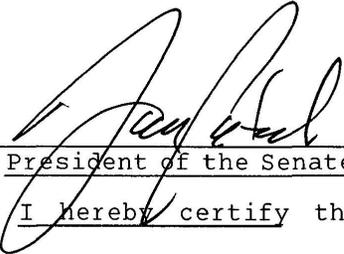
27 (d) This Act does not apply to a public junior college, as

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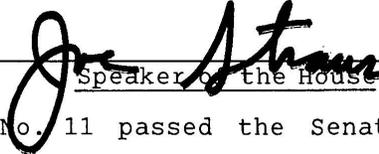
S.B. No. 11

1 defined by Section 61.003, Education Code, before August 1, 2017.
2 Not later than August 1, 2017, the president or other chief
3 executive officer of a public junior college shall take any action
4 necessary to adopt rules, regulations, or other provisions as
5 required by Section 411.2031, Government Code, as added by this
6 Act. Notwithstanding any other law, the president or other chief
7 executive officer shall establish rules, regulations, or other
8 provisions under Section 411.2031(d-1), Government Code, as added
9 by this Act, that take effect August 1, 2017.

S.B. No. 11

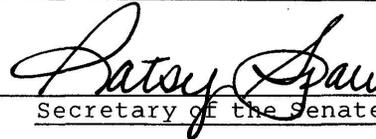


President of the Senate



Speaker of the House

I hereby certify that S.B. No. 11 passed the Senate on March 19, 2015, by the following vote: Yeas 20, Nays 11; May 28, 2015, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 29, 2015, House granted request of the Senate; May 30, 2015, Senate adopted Conference Committee Report by the following vote: Yeas 20, Nays 11.



Secretary of the Senate

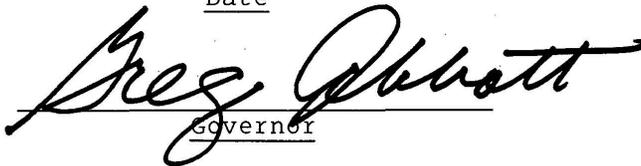
I hereby certify that S.B. No. 11 passed the House, with amendments, on May 27, 2015, by the following vote: Yeas 102, Nays 44, one present not voting; May 29, 2015, House granted request of the Senate for appointment of Conference Committee; May 31, 2015, House adopted Conference Committee Report by the following vote: Yeas 98, Nays 47, one present not voting.



Chief Clerk of the House

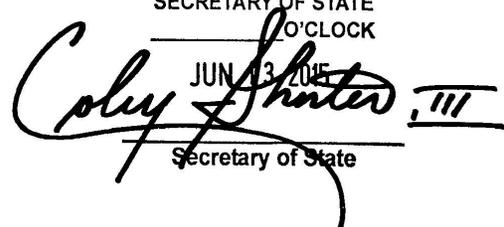
Approved:

6-13-2015
Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
O'CLOCK



Secretary of State