CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 29, 2019

Honorable Dan Patrick  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 11 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.
A BILL TO BE ENTITLED

AN ACT

relating to the carrying of handguns on the campuses of and certain
other locations associated with institutions of higher education;

providing a criminal penalty.

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

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

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

(1) "Campus" means all land and buildings owned or
leased by an institution of higher education or private or
independent institution of higher education.

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

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

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

(c) Except as provided by Subsection (d), (d-1), or (e), an
institution of higher education or private or independent
institution of higher education in this state may not adopt any
S.B. No. 11

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

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

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

(d-2) Not later than the 90th day after the date that the
rules, regulations, or other provisions are established as
described by Subsection (d-1), the board of regents or other
governing board of the institution of higher education shall review
the provisions. The board of regents or other governing board may,
by a vote of not less than two-thirds of the board, amend wholly or
partly the provisions established under Subsection (d-1). If
amended under this subsection, the provisions are considered to be
those of the institution as established under Subsection (d-1).

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

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

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

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

(e) A private or independent institution of higher
education in this state, after consulting with students, staff, and
faculty of the institution, may establish rules, regulations, or
other provisions prohibiting license holders from carrying
handguns on the campus of the institution, any grounds or building
on which an activity sponsored by the institution is being
conducted, or a passenger transportation vehicle owned by the
institution.

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

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

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

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

(b) A cause of action in damages may not be brought against
the state, an agency or subdivision of the state, an officer or
employee of the state, an institution of higher education, an
officer or employee of an institution of higher education, a
private or independent institution of higher education that has not
adopted rules under Section 411.2031(e), an officer or employee of
a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), a peace officer, or a qualified handgun instructor for any damage caused by the actions of an applicant or license holder under this subchapter.

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

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

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

(f) For purposes of this section:

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

(2) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.
SECTION 3. Sections 46.03(a) and (c), Penal Code, are amended to read as follows:

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

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

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

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

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

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

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

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

(c) In this section:

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

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

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

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

(a-1) Notwithstanding Subsection (a), a license holder commits an offense if the license holder carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, on or about the license holder's person under the authority of Subchapter H, Chapter 411, Government Code, and
intentionally or knowingly displays the handgun in plain view of
another person:

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

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

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

(a-3) Notwithstanding Subsection (a) or Section 46.03(a), a
license holder commits an offense if the license holder
intentionally carries a concealed handgun on a portion of a
premises located on the campus of an institution of higher
education in this state on which the carrying of a concealed handgun
is prohibited by rules, regulations, or other provisions
established under Section 411.2031(d-1), Government Code, provided
the institution gives effective notice under Section 30.06 with respect to that portion.

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

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

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

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

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

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

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

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.

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

(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.

(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.

(d) This Act does not apply to a public junior college, as
defined by Section 61.003, Education Code, before August 1, 2017.

Not later than August 1, 2017, the president or other chief executive officer of a public junior college shall take any action necessary to adopt rules, regulations, or other provisions as required by Section 411.2031, Government Code, as added by this Act. Notwithstanding any other law, the president or other chief executive officer shall establish rules, regulations, or other provisions under Section 411.2031(d-1), Government Code, as added by this Act, that take effect August 1, 2017.
section 411.2031 to read as follows:

(a) For purposes of this section:
(1) "Campus" means all land and buildings owned or leased by an institution of higher education or private or independent institution of higher education.
(2) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.
(3) "Premises" has the meaning assigned by Section 46.035, Penal Code.

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

(c) Except as provided by Subsection (d) or (e), an institution of higher education or private or independent institution of higher education in this state may not adopt any rule, regulation, or other provision prohibiting license holders from

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.2031 to read as follows:
Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON CERTAIN CAMPUSSES.

(b) Same as Senate version.
(3) Same as Senate version.

(a) Same as Senate version.
(1) Same as Senate version.

2) Same as Senate version.

Same as Senate version.

Same as Senate version.

Same as Senate version.

Same as Senate version.

Same as Senate version.

15.149.721
SENATE VERSION

carrying handguns on the campus of the institution.

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

No equivalent provision.

HOUSE VERSION (IE)

from carrying handguns on the campus of the institution.

[FA1(1);FA6(1)]

(d) Same as Senate version.

CONFERENCE

from carrying handguns on the campus of the institution.

(d) Same as Senate version.

(d-1) Subject to the approval of not less than two-thirds of the board of regents or other governing board of the institution and after consulting with students, staff, and faculty of the institution, an institution of higher education in this state may establish reasonable rules, regulations, or other provisions prohibiting license holders from carrying concealed handguns on specifically identified portions of premises located on the campus of the institution. The institution may not establish rules, regulations, or other provisions that generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on the campus of the institution. The institution must give effective notice under Section 30.06, Penal Code, with respect to the portion of the premises on which license holders may not carry.

No equivalent provision.

No equivalent provision.

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

(d-2) Not later than the 90th day after the date that the rules, regulations, or other provisions are established as described by
Subsection (d-1), the board of regents or other governing board of the institution of higher education shall review the provisions. The board of regents or other governing board may, by a vote of not less than two-thirds of the board, amend wholly or partly the provisions established under Subsection (d-1). If amended under this subsection, the provisions are considered to be those of the institution as established under Subsection (d-1).

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

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

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

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

Same as Senate version.
(e) A private or independent institution of higher education in this state, after consulting with students, staff, and faculty of the institution, may establish rules, regulations, or other provisions prohibiting license holders from carrying handguns on the campus of the institution, any grounds or building on which an activity sponsored by the institution is being conducted, or a passenger transportation vehicle owned by the institution.

(f) This section does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a hospital maintained or operated by an institution of higher education or private or independent institution of higher education if the hospital gives effective notice under Section 30.06, Penal Code. In this subsection, "hospital" has the meaning assigned by Section 241.003, Health and Safety Code.

(g) This section does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a preschool, elementary school, or secondary school that is located on the campus of an institution of higher education or private or independent institution of higher education if the institution gives effective notice under Section 30.06, Penal Code.

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

(a) A court may not hold the state, an agency or subdivision

House Version (IE)

No equivalent provision. [Deleted by FA6(2)].

Conf

No equivalent provision.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

Conf

No equivalent provision.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

Conf

Same as Senate version.

Conf

Same as Senate version.
of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), a peace officer, or a qualified handgun instructor liable for damages caused by: (1) an action authorized under this subchapter or a failure to perform a duty imposed by this subchapter; or (2) the actions of an applicant or license holder that occur after the applicant has received a license or been denied a license under this subchapter.

(b) A cause of action in damages may not be brought against the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), a peace officer, or a qualified handgun instructor for any damage caused by the actions of an applicant or license holder under this subchapter.

(d) The immunities granted under Subsections (a), (b), and (c) do not apply to: (1) an act or a failure to act by the state, an agency or subdivision of the state, an officer of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), a peace officer, or a qualified handgun instructor liable for damages caused by: [FA6(3)-(4)]

(1) an action authorized under this subchapter or a failure to perform a duty imposed by this subchapter; or (2) the actions of an applicant or license holder that occur after the applicant has received a license or been denied a license under this subchapter.

(b) A cause of action in damages may not be brought against the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education, an officer or employee of a private or independent institution of higher education, a peace officer, or a qualified handgun instructor for any damage caused by the actions of an applicant or license holder under this subchapter. [FA6(5)-(6)]

(d) The immunities granted under Subsections (a), (b), and (c) do not apply to: (1) an act or a failure to act by the state, an agency or subdivision of the state, an officer of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education, an officer or employee of a private or independent institution of higher education, a peace officer if the act or
SENATE VERSION

independent institution of higher education that has not adopted rules under Section 411.203(1), or a peace officer if the act or failure to act was capricious or arbitrary; or
(2) any officer or employee of an institution of higher education or private or independent institution of higher education described by Subdivision (1) who possesses a handgun on the campus of that institution and whose conduct with regard to the handgun is made the basis of a claim for personal injury or property damage.

(f) For purposes of this section:
(1) "Campus" has the meaning assigned by Section 411.2031.
(2) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

SECTION 3. Section 46.03, Penal Code, is amended by amending Subsections (a) and (c) and adding Subsections (j) and (k) to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(a):
(1) on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless;
(A) pursuant to written regulations or written authorization of the institution; or
(B) the person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H,

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

(f) For purposes of this section:
(1) "Campus" has the meaning assigned by Section 411.2031.
(2) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 411.2031. [FA5(2)]

SECTION 3. Same as Senate version, except as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(a):
(1) on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless;
(A) pursuant to written regulations or written authorization of the institution; or
(B) the person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H,
Chapter 411, Government Code, and no other weapon to which this section applies, on the premises of an institution of higher education or private or independent institution of higher education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution; (2) on the premises of a polling place on the day of an election or while early voting is in progress; (3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court; (4) on the premises of a racetrack; (5) in or into a secured area of an airport; or (6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that: (A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or (B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited. (c) In this section: (1) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code. (2) "Premises" has the meaning assigned by Section 46.035. (3) (a) "Secured area" means an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law.
(j) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a hospital maintained or operated by an institution of higher education or private or independent institution of higher education if the hospital gives effective notice under Section 30.06. In this subsection, "hospital" has the meaning assigned by Section 241.003, Health and Safety Code.

(k) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a preschool, elementary school, or secondary school that is located on the premises of an institution of higher education or private or independent institution of higher education if the institution gives effective notice under Section 30.06.

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

(a-1) Notwithstanding Subsection (a), a license holder commits an offense if the license holder carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, or on or about the license holder's person under the authority of Subchapter H, Chapter 411, Government Code, and intentionally or knowingly displays the handgun in plain view of another person:
1) on the premises of an institution of higher education or private or independent institution of higher education;
2) on any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of an institution of higher education or private or independent institution of higher education.

No equivalent provision.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]
(g) An offense under Subsection (a), (a-1), (b), (c), (d), or (e) is a Class A misdemeanor, unless the offense is committed under Subsection (b)(1) or (b)(3), in which event the offense is a felony of the third degree.  

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

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

(a-2) (Same as Senate version, see below.)

Same as Senate version.

(a-3) Notwithstanding Subsection (a) or Section 46.03(a), a license holder commits an offense if the license holder intentionally carries a concealed handgun on a portion of a premises located on the campus of an institution of higher education in this state on which the carrying of a concealed handgun is prohibited by rules, regulations, or other provisions established under Section 411.2031(d-1), Government Code, provided the institution gives effective notice under Section 30.06 with respect to that portion.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]
(I) Subsection (b)(2) does not apply on the premises where a collegiate sporting event is taking place if the actor was not given effective notice under Section 30.06.

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

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

SECTION 6. Section 46.035, Penal Code, is amended by amending Subsections (g), (h), and (j) and adding Subsection (a-2) to read as follows:

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

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

No equivalent provision. [Deleted by FA6(9)]

No equivalent provision. [Deleted by FA6(9)]

(See SECTION 4 above.)
It is a defense to prosecution under Subsection (a) or (a-2) that the actor, at the time of the commission of the offense, displayed the handgun under circumstances in which the actor would have been justified in the use of force or deadly force under Chapter 9.

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

SECTIONS 7-8. Saving provisions.

SECTION 9. This Act takes effect September 1, 2015.

SENATE VERSION

HOUSE VERSION (IE)

No equivalent provision. [Deleted by FA6(9)]

CONFERENCE

(See SECTION 4 above.)

No equivalent provision. [Deleted by FA6(9)]

(See SECTION 4 above.)

SECTIONS 7-8. Same as Senate version.

SECTION 4. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2016.

(b) Before September 1, 2016, an institution of higher education or private or independent institution of higher education may take any action necessary to adopt rules, regulations, or other provisions as authorized under Section 411.2031, Government Code, as added by this Act. [FA1(8)]

SECTIONS 6-7. Same as Senate version.

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

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

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

(d) This Act does not apply to a public junior college, as defined by Section 61.003, Education Code, before August 1,
Not later than August 1, 2017, the president or other chief executive officer of a public junior college shall take any action necessary to adopt rules, regulations, or other provisions as required by Section 411.2031, Government Code, as added by this Act. Notwithstanding any other law, the president or other chief executive officer shall establish rules, regulations, or other provisions under Section 411.2031(d-1), Government Code, as added by this Act, that take effect August 1, 2017.
TO: Honorable Dan Patrick, Lieutenant Governor, Senate
   Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB11 by Birdwell (Relating to the carrying of handguns on the campuses of and certain other locations associated with institutions of higher education; providing a criminal penalty.), Conference Committee Report

| No significant fiscal implication to the State is anticipated. |

The bill would amend the Government Code and Penal Code to authorize an individual possessing a valid concealed handgun license issued in the state of Texas to carry a concealed handgun on campuses or premises associated with public and private institutions of higher education. The bill would allow an institution of higher education to, within certain requirements, establish rules with respect to license holders carrying concealed handguns on the campus of the institution or on identified premises of the institution. The bill would require institutions to report to the legislature on the adopted rules. The bill would also allow an institution of higher education to establish rules governing the storage of handguns in dormitories and other residential facilities, and provides for a limitation on liability.

State institutions of higher education reported varying estimates of cost associated with implementing certain provisions of the bill, primarily with respect to health related institutions. It is assumed implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect September 1, 2015 for all institutions of higher education, save for Community Colleges, for whom the provisions apply on August 1, 2017.

Local Government Impact

Local community college districts could experience increased costs related to campus police operations, security programs, and staff training. Adaptation of community college campus facilities to accommodate the storage of handguns could result in new costs for community college districts.

Source Agencies: 405 Department of Public Safety, 710 Texas A&M University System Administrative and General Offices, 758 Texas State University System, 768 Texas Tech University System Administration, 783 University of Houston System Administration, 720 The University of Texas System Administration, 769 University of North Texas System Administration, 781
Higher Education Coordinating Board

LBB Staff:  UP, ESi, GO, AG, AI, JAW, EH, LM, SZ, EP, JPo
Certification of Compliance with
Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order under Rule 13.

I certify that a copy of the conference committee report on 5 3/4 11 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.

Allen Fletcher
(name)

05/29/2015
(date)