

**SUBJECT:** Carrying concealed handguns on institutions of higher education campuses

**COMMITTEE:** Homeland Security and Public Safety — committee substitute recommended

**VOTE:** 7 ayes — Fletcher, Dale, Flynn, Kleinschmidt, Lavender, Sheets, Simmons  
1 nay — Pickett  
1 absent — Cortez

**WITNESSES:** For — David Bloom; Jeremy Blosser, Tarrant County Republican Party; Michael Cargill; Russell Doyle; Nathan Giesenschlag; James Greene; Eric Jackson; Joan Jackson; Ryan Lambert; Jorge Landivar; William Loeb, Rachel Malone, Texas Firearms Freedom; Glenn Meyer; Kristen Ploeger; Howard Ray; Richard Smith; Thomas Sovik; Tom Swearingen; Steven Traeger, Texas A&M Student Government Association; Alice Tripp, Texas State Rifle Association; B.R. Wallace; Madison Welch, Texas Students for Concealed Carry on Campus; Lucy Wendt; (*Registered, but did not testify*: Justin Aguilar, Students for Concealed Carry; Ian Armstrong; Cole Bordner, Texas A&M Students for Concealed Carry on Campus; Austin Brown, Texas Students for Concealed Carry; Keith Brown; Kevin Cottrell; Matthew Daugherty, Texas Students for Concealed Carry on Campus; Annita Ellison; Marida Favia del Core Borromeo, Exotic Wildlife Association; Robert Gordon; Caroline Gorman, Libertarian Party of Travis County; Phil Graves; Kenneth Gross; Monica Grosz; Jennifer Hall, Tarrant County Republican Party; Cameron Hofker; Coleman Hofker; John Hofker; Michael Holter; John Horton, Young Conservatives of Texas; Thomas Johnson, Young Americans for Liberty Northeast Lakeview; Joseph Ledlow, Students for Concealed Carry on Campus; Guillermo Lopez; Kevin Mack, Texas Students for Concealed Carry on Campus; Ray Mack; Payton Mogford, Students for Conceal Carry; Camille Mohle, Texas A&M Students for Concealed Carry on Campus; Brandon Moore, Tarrant County Republican Party; Philip Smith; Sherida Tripp; Stephen Walton)

Against — Fidel Acevedo, LULAC; Jim Bryce; Molly Cummings; Mary Eisenberg; Rebecca Eisenberg, Texas Gun Sense; Alice Embree; Katherine Eyberg; Alex Ferraro; Troy Gay, Austin Police Department;

Nicole Golden, Moms Demand Action; Claire Wilson James; Thomas Just; M. H. Keller, Texas Suicide Prevention Council; Lucy Krivitsky; Glen Maxey, Texas Democratic Party; Scott Medlock; Nick Mitchell, University of Texas: College of Natural Sciences; Tess Ortega; Brad Parker, TTLA; Kenneth Perrine; Kathleen Points; Madonna Ramp; Joanne Richards; Heather Ross, Gun and Mental Health Action Group, Occupy the NRA; Cissy Sanders, Moms Demand Action for Gun Sense in America; Frances Schenkkan, Texas Gun Sense; Gyl Switzer, Mental Health America of Texas; Saurah Tabrizi; Robin Wallace; Sandra Wilson Mandell-Thiher; John Woods, Texas Gun Sense; (*Registered, but did not testify*: Yannis Banks, Texas NAACP; Laura Blanke, Texas Pediatric Society; Christine Bryan; Ellison Carter; Heather Fazio, Texans for Accountable Government; Chris Frandsen; Brette Garner; Dwight Harris, Texas AFT; Debbie Hersh; Brooke Hersh-Thompson; Ramey Ko; Catherine Lamb, Moms Demand Action for Common Sense Gun Laws; Dawn Lewis, Texas Gun Sense; Susan Milam, National Association of Social Workers/Texas Chapter; Caitlin Miller; Nathaniel Norris; Joseph Oliveri, Community Committee Against Gun Violence; Rosalie Oliveri, Community Committee Against Gun Violence; Justin Perez; Herman Prager; Stewart Snider, League of Women Voters TX; Amanda Van Epps; Bridget Wiedenmeyer; Lucien Zahendra, Moms Demand Action; Crystal Zhao)

On — (*Registered, but did not testify*: RenEarl Bowie, Texas DPS; William Holda, Texas Association of Community Colleges; Steve Moninger, Texas DPS; Sherrie Zgabay, Texas Department of Public Safety)

**BACKGROUND:** Penal Code, sec. 46.03, makes it an offense for a person to intentionally, knowingly, or recklessly possess or go with a firearm, illegal knife, club, or other prohibited weapon onto:

- the 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 vehicle of a school or educational institution, whether the school or institution is public or private.

An offense is a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000). Sec. 46.03 provides certain defenses to prosecution and also allows weapons to be carried in the places listed

above pursuant to written regulations or written authorization of the institution.

Penal Code, sec. 30.06 creates an offense for a concealed handgun license holder who carries a handgun on someone's property after receiving verbal or written notice that entry on the property by a concealed handgun license holder is forbidden, or remaining on and failing to depart such a property with a concealed handgun after receiving notice.

Written notice must contain the words: "Pursuant to Sec. 30.06 Penal Code (trespass by a holder of license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a concealed handgun."

**DIGEST:**

HB 972 would allow holders of a concealed handgun license to carry a concealed firearm onto the campuses of higher education institutions, with certain exceptions for institutions that chose not to allow them.

**Public institutions.** CSHB 972 would create an opt-out system for public institutions of higher education.

The bill would allow an institution of higher education, after consulting with its students, staff, and faculty to adopt rules prohibiting license holders from carrying concealed handguns on any ground or building owned or leased by the institution on which an activity sponsored by the institution was being conducted, or on the institution's passenger transportation vehicles. An institution adopting such rules would give notice by posting appropriate signs in accordance with Penal Code 30.06.

A public institution that did not adopt a policy prohibiting concealed carry would be required to adopt rules concerning the:

- storage of handguns in dormitories or other residential facilities owned or leased and operated by the university; and
- carrying of concealed handguns by license holders at collegiate sporting events taking place on grounds or buildings owned or leased and operated by the institution.

**Private or independent institutions.** HB 972 would create an opt-in system for private or independent institution of higher education. These

institutions, after consulting with its students, staff, and faculty, could adopt rules allowing license holders to carry concealed handguns on any ground or building owned or leased by the institution on which an activity sponsored by the institution was being conducted, or on the institution's passenger transportation vehicles.

An institution adopting such rules would be required to adopt further rules described above concerning the proper storage of handguns and carrying of concealed handguns.

**Hospitals and pre-K-12 schools attached to institutions.** CSHB 972 would prohibit anyone from carrying a concealed handgun on the premises of a hospital, preschool, elementary, or secondary school maintained by an institution of higher education if the institution posted appropriate notice in compliance with Penal Code, sec. 30.06.

**Immunity.** The bill would amend Government Code, sec. 411.208, to prevent a court from holding any of the following liable for damages caused by an applicant or a concealed handgun license holder or by an action or failure to perform a duty imposed by applicable concealed handgun license statutes:

- an institution of higher education;
- a private or independent institution of higher education; or
- an officer or employee of either.

Nor could a cause of action be brought against any of the above institutions due to any damages caused by the actions of an applicant or license holder. These protections would not apply if the act or failure to act was capricious or arbitrary.

**Other provisions.** HB 972 would create in Penal Code, sec. 46.035 a class A misdemeanor offense (up to one year in jail and/or a maximum fine of \$4,000) for a license holder who intentionally, knowingly, or recklessly carried a handgun onto the campus of a public institution of higher education that had adopted rules prohibiting concealed carry under CSHB 972.

The bill would take effect on January 1, 2014. It would apply only to causes of action that accrued or offenses committed on or after that date.

SUPPORTERS  
SAY:

CSHB 972 would allow concealed handgun license holders to carry firearms on the premises of institutions of higher education to protect the right of self-defense and to deter shooters or even stop them altogether.

People need to be able to protect themselves in public because government authorities are not always able to do so. While authorities claim they are able to respond quickly to shooters, too often people have died waiting for official response to arrive. If civilians were able to defend themselves, they could stop a shooter and save lives.

It is important to let law-abiding citizens have access to their firearms for self-defense because laws alone do not stop criminals or the disturbed from committing violent crimes. The potential of armed students, faculty, and staff on campus, beyond just police, could deter shooters from targeting campuses. Current laws, by preventing civilians from bringing firearms onto a campus, make colleges and universities notoriously vulnerable targets.

Twenty-four other states allow concealed carry on campuses. The system has been tried and shown to be successful. CSHB 972 would allow Texas' colleges and universities to adopt such a policy on their own as they deemed appropriate. Local control of this sort would respect the ability of institutions of higher education to continue to make the most appropriate choices for their communities.

Even if it were desirable for society to be free of guns and violence, such a perfect world does not exist. CSHB 972 would promote the right of individuals to protect themselves, along with their fellow students and co-workers, from those in society who would do them harm.

OPPONENTS  
SAY:

By allowing concealed firearms on campus, CSHB 972 would contribute to a more dangerous environment and a culture of fear at Texas' colleges and universities.

Campus police and other safety authorities are better trained and better prepared to respond to a shooting attack than ever before. This is improving as public awareness and spending on the matter have increased. Authorities are concerned, however, that officers responding to a shooting would have difficulty differentiating between shooters if one or more were people with concealed handgun licenses trying to stop an aggressor.

Authorities also argue that, even with the required training and education that comes with a license, shooting calmly and with precision is extremely difficult. This is true even for people with military experience. This lack of ability and experience can contribute to casualties from cross-fire and the inability to tell friend from foe.

Campus police and others have argued that an increase in guns only leads to an increase in gun violence. Studies from Europe and elsewhere in the developed world where firearms are tightly restricted or banned show negligible levels of gun violence. On the other hand, countries like the United States and South Africa, with high levels of guns and gun ownership, display shocking and tragic levels of gun violence and gun-related death. Increasing the places in Texas where guns could legally be carried only would spread this further.

Colleges and university mental health officials worry about the correlation between guns and suicide. Suicide is a leading cause of death of university students, and increasing access to an effective means of impulsively taking one's own life could increase its incidence.

An increase of lethal weapons on campus would detract from an environment designed to foster learning and academic debate. More guns on campus only would reinforce a siege mentality and a generalized feeling that people are under assault. Studies show that the increased presence of firearms in an environment causes people to have more violent thoughts.

OTHER  
OPPONENTS  
SAY:

It would be better for the state to pursue ways of keeping firearms out of the hands of criminals and the mentally ill. Texas should focus on proven methods of reducing gun violence, such as background checks, limits on high-capacity magazines, and better availability of mental health programs.