

SUBJECT: Limiting the liability of businesses that allow handguns on their property

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 5 ayes — Leach, Krause, Meyer, Smith, White

4 nays — Farrar, Y. Davis, Julie Johnson, Neave

SENATE VOTE: On final passage, April 23 — 26-5 (Alvarado, Johnson, Menéndez, Rodríguez, Whitmire)

WITNESSES: *On House companion bill, HB 516:*

For — Michael Openshaw; (*Registered, but did not testify:* TJ Patterson, City of Fort Worth; Frederick Frazier, Dallas Police Association, State Friends of Police; David Sinclair, Game Warden Peace Officers Association; Rachel Malone, Gun Owners of America; Jim Grace, Jr., Houston First; Amos Postell, Lone Star Gun Rights; Tara Mica, National Rifle Association; James Dickey, Republican Party of Texas; Sandy Hoy, Texas Apartment Association; James Hines, Texas Association of Business; Monty Wynn, Texas Municipal League; Mark Borskey, Texas State Rifle Association; Cosom; Anthony Sieli)

Against — Elva Mendoza, Moms Demand Action for Gun Sense in America; (*Registered, but did not testify:* Aimee Mobley Turney, League of Women Voters of Texas; Robin Carroll, Karen Gentry, Melanie Green, Susan Pintchovski, and Carl John Zeitz, Moms Demand Action for Gun Sense in America; Gyl Switzer, Texas Gun Sense)

On — Sally Metcalfe, Texas Trial Lawyers Association

BACKGROUND: Penal Code secs. 30.06 and 30.07 establish a class C misdemeanor punishable by fine of up to \$200 for a handgun license holder to either conceal or openly carry a handgun on another's property without effective consent if the license holder received oral or written notice that entry on the property by a license holder was forbidden.

DIGEST: Under SB 772, the fact that a card, sign, or other document forbidding a person from entering the property with a concealed handgun was not posted on a business' property, or any other evidence that a person failed to exercise the person's option to forbid the carrying of a handgun by a license holder on the property, would not be admissible as evidence in a trial in an action:

- against a person who owned, controlled, or managed the property; and
- in which the cause of action arose from an injury sustained on the property.

The bill would take effect September 1, 2019.

SUPPORTERS SAY: SB 772 would clarify that business owners who decided not to post signs forbidding the carrying of handguns on their premises would not have any greater liability than businesses that did post such signs. This would allow business owners to make a decision about whether to allow handguns on their property based on preference, rather than fears of lawsuits or the risk of increased liability. The bill would have no effect on those that chose not to allow handguns on their property.

OPPONENTS SAY: SB 772 inappropriately would grant businesses that allowed handguns on their property immunity for risks caused by that decision. The bill also is not necessary because no businesses have been sued for deciding not to post a sign forbidding the carrying of handguns on the business' property.