

BILL ANALYSIS

Senate Research Center
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H.B. 14
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Before 2003, the Department of State Health Services banned guns on the premises of psychiatric hospitals. With the passage of S.B. 501 in 2003, these hospitals were no longer permitted to mandate gun-free campuses. Though many hospitals kept up signs stating that firearms were banned until the passage of S.B. 273 last session, which created penalties for these signs to be posted if the ban was unenforceable. As a result, there have been three incidents where guns have been brought onto the grounds of a state psychiatric hospital. In one of these incidents, at Rusk State Hospital, a patient actually came into possession of the firearm. There were fortunately no accidents or injuries as a result of these incidents. However, patient safety and progress in treatment are the foremost priorities at state hospitals. H.B. 14 returns to the state psychiatric hospitals the right to restrict the carrying of firearms within state psychiatric hospitals when posted.

H.B. 14 adds a subsection to the code regarding the wrongful exclusion of handgun license holder. This subsection states that a written notice posted by a state hospital to restrict the carrying of a firearm does not fall under a wrongful exclusion of a handgun license holder. The bill also clarifies the language in the section to reflect the changes made by H.B. 910.

H.B. 14 amends current law relating to the carrying of handguns by license holders on the property of state hospitals and provides a civil penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 411.209, Government Code, to read as follows:

Sec. 411.209. WRONGFUL EXCLUSION OF HANDGUN LICENSE HOLDER.

SECTION 2. Amends Section 411.209, Government Code, by amending Subsections (a) and (d) and adding Subsection (i), as follows:

(a) Prohibits a state agency or a political subdivision of the state, except as provided by Subsection (i), from providing notice by a communication described by Section 30.06 (Trespass by License Holder with a Concealed Handgun), Penal Code, or by any sign expressly referring to that law or to a license to carry a handgun, rather than by any sign expressly referring to that law or to a concealed handgun license, that a license holder carrying a handgun under the authority of this subchapter (License to Carry a Handgun) is prohibited from entering or remaining on a certain premises unless license holders are prohibited from carrying a handgun on those premises by certain sections of the Penal Code.

(d) Authorizes a resident of this state or a person licensed to carry a handgun under this subchapter, rather than authorizes a citizen of this state or a person licensed to carry a concealed handgun under this subchapter, to file a complaint with the Texas attorney

general (attorney general) that a state agency or political subdivision is in violation of Subsection (a) under certain conditions. Makes a conforming change.

(i) Provides that Subsection (a) does not apply to a written notice provided by a state hospital under Section 552.002, Health and Safety Code, which is added by this Act.

SECTION 3. Amends Subchapter A, Chapter 552, Health and Safety Code, by adding Section 552.002, as follows:

Sec. 552.002. CARRYING OF HANDGUN BY LICENSE HOLDER IN STATE HOSPITAL. (a) Defines “license holder,” “state hospital,” and “written notice.”

(b) Authorizes a state hospital to prohibit a license holder from carrying a handgun under the authority of Subchapter H, Chapter 411 (Department of Public Safety of the State of Texas), Government Code, on the property of the hospital by providing written notice.

(c) Provides that a license holder who carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, on the property of a state hospital at which written notice is provided is liable for a civil penalty in the amount of \$100 for the first violation or \$500 for the second or subsequent violation.

(d) Authorizes the attorney general or an appropriate prosecuting attorney to sue to collect a civil penalty under this section.

SECTION 4. Provides that the change in law made by this Act applies only to conduct that occurs on or after the effective date of this Act.

SECTION 5. Effective date: September 1, 2017.