

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1736
By: Hughes
State Affairs
4/5/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Licensed Texans are able to carry a handgun, openly or concealed, into most private businesses as long as the establishment does not post a notice under Chapters 30.06 or 30.07, Penal Code. Statute does not provide explicit civil liability protections to such businesses. This could leave the establishment vulnerable to frivolous lawsuits, and operate as an incentive to the adoption of more restrictive carrying policies.

S.B. 1736 immunizes a business from civil liability against a claim arising out of not choosing to prohibit handguns. These protections are similar to those that the businesses already possess with respect to claims arising out of firearms being left in an employer's parking garage. The legislation does not impose any liability or legal burdens on business owners who choose to disallow firearms on their premises. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1736 amends current law relating to the liability of a person who allows handguns to be carried on property owned, controlled, or managed by the person.

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 Title 4, Civil Practice and Remedies Code, by adding Chapter 95A, as follows:

CHAPTER 95A. LIMITED LIABILITY FOR CERTAIN PERSONS WHO ALLOW HANDGUNS

Sec. 95A.001. DEFINITION. Defines "license holder."

Sec. 95A.002. LIMITED LIABILITY FOR CERTAIN PERSONS WHO ALLOW HANDGUNS. Provides that a person, including a business or other entity, who owns, controls, or manages property and who has authority to forbid the carrying of handguns on the property is immune from civil liability with respect to any claim that is based on the person's failure to exercise the option to forbid the carrying of handguns by a license holder on the property by providing notice under Sections 30.06 (Trespass by License Holder with a Concealed Handgun) and 30.07 (Trespass by License Holder with an Openly Carried Handgun), Penal Code.

SECTION 2. Provides that Chapter 95A, Civil Practice and Remedies Code, as added by this Act, does not apply to a cause of action that accrued before the effective date of this Act. Provides that a cause of action that accrued before the effective date of this Act is governed by the law applicable to the cause of action immediately before that date, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2017.