

BILL ANALYSIS

Senate Research Center
87R13357 JSC-D

S.B. 20
By: Campbell et al.
State Affairs
4/6/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Castle Doctrine in Texas presumes that using force is reasonable and justified when another person:

- unlawfully and with force enters or attempts to enter your habitation, vehicle, or work place;
- attempts to remove you, by force, from your habitation, vehicle, or work place; or
- was committing or attempting to commit aggravated kidnapping, murder, sexual assault, aggravated sexual assault, robbery, or aggravated robbery.

In the context of self-defense, “habitation” means any structure or vehicle that is adapted for overnight living by a person. In the state of Texas, habitation can include a hotel room, which means that lawful gun owners should be allowed to store their handguns in their hotel room for protection.

S.B. 20 amends the Occupations Code to make it clear that hotels cannot adopt a policy prohibiting guests from storing a handgun or ammunition in a hotel room. Also, a hotel may adopt a policy requiring guests to conceal carry or to carry their handgun and ammunition in a case or bag when transporting from the parking lot to the hotel room.

Gun owners must have the proper permit to conceal or open carry their firearm on hotel property. Lastly, S.B. 20 amends the Penal Code to protect hotel guests from being prosecuted for possessing a handgun or ammunition in their vehicle or room on the hotel premises.

As proposed, S.B. 20 amends current law relating to carrying and storing a handgun or handgun ammunition by a hotel guest.

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 Subchapter C, Chapter 2155, Occupations Code, to read as follows:

SUBCHAPTER C. FIREARMS POLICY

SECTION 2. Amends Section 2155.101, Occupations Code, as follows:

Sec. 2155.101. DEFINITION. Redefines, in Subchapter C, "hotel" to mean a hotel, motel, inn, or similar business entity that offers more than 10 rooms to the public for temporary lodging for a fee.

SECTION 3. Amends Subchapter C, Chapter 2155, Occupations Code, by adding Section 2155.1025, as follows:

Sec. 2155.1025. APPLICABILITY OF FIREARMS POLICY TO HANDGUNS. (a) Prohibits a hotel, unless possession of a handgun or handgun ammunition on hotel property is prohibited by state or federal law, from adopting a firearms policy described by Section 2155.102 (Applicability of Subchapter) prohibiting a hotel guest from:

- (1) carrying or storing a handgun or handgun ammunition in the guest's hotel room;
- (2) carrying a handgun or handgun ammunition directly en route to or from the hotel or the guest's hotel room;
- (3) carrying a handgun or handgun ammunition directly en route to or from the guest's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests; or
- (4) carrying or storing a handgun or handgun ammunition in the guest's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests.

(b) Authorizes a hotel to adopt a firearms policy requiring a hotel guest carrying a handgun or handgun ammunition in a common area on the hotel property to carry a handgun in a concealed manner, or to carry handgun ammunition in a case or bag.

SECTION 4. Amends Section 30.05, Penal Code, by adding Subsection (f-4), as follows:

(f-4) Provides that it is a defense to prosecution under Section 30.05 (Criminal Trespass) that:

- (1) the conduct occurred on hotel property, and the basis on which entry on that property was forbidden is that entry with a firearm or firearm ammunition was forbidden;
- (2) the actor is a guest of a hotel, as defined by Section 2155.101, Occupations Code; and
- (3) the actor:
 - (A) carries or stores a handgun or handgun ammunition in the actor's hotel room;
 - (B) carries a handgun or handgun ammunition directly en route to or from the hotel or the actor's hotel room;
 - (C) carries a handgun or handgun ammunition directly en route to or from the actor's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests; or
 - (D) carries or stores a handgun or handgun ammunition in the actor's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests.

SECTION 5. Amends Section 30.06, Penal Code, by adding Subsection (e-4), as follows:

(e-4) Provides that it is a defense to prosecution under Section 30.06 (Trespass by License Holder with a Concealed Handgun) that the license holder is a guest of a hotel, as defined by Section 2155.101, Occupations Code, and the license holder:

- (1) carries or stores a handgun in the license holder's hotel room;

- (2) carries a handgun directly en route to or from the hotel or the license holder's hotel room;
- (3) carries a handgun directly en route to or from the license holder's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests; or
- (4) carries or stores a handgun in the license holder's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests.

SECTION 6. Amends Section 30.07, Penal Code, by adding Subsection (e-4), as follows:

(e-4) Provides that it is a defense to prosecution under Section 30.07 (Trespass by License Holder with an Openly Carried Handgun) that the license holder is a guest of a hotel, as defined by Section 2155.101, Occupations Code, and the license holder:

- (1) carries or stores a handgun in the license holder's hotel room;
- (2) carries a handgun directly en route to or from the hotel or the license holder's hotel room;
- (3) carries a handgun directly en route to or from the license holder's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests; or
- (4) carries or stores a handgun in the license holder's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests.

SECTION 7. Makes application of Sections 30.05, 30.06, and 30.07, Penal Code, as amended by this Act, prospective.

SECTION 8. Effective date: September 1, 2021.