

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

MAY 29, 2015

Date

Honorable Dan Patrick  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SENATE BILL 11 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Brian Birdwell  
BRIAN BIRDWELL

Alto Keith  
ALTO KEITH

Konni Burton  
KONNI BURTON

[Signature]

John [Signature]  
JOHN [Signature]

John [Signature]  
JOHN [Signature]

Joan Huffman  
JOAN HUFFMAN

John [Signature]  
JOHN [Signature]

[Signature]

[Signature]

On the part of the Senate  
CHARLES SCHWERTNER

On the part of the House  
TERRY [Signature]

### Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

S.B. No. 11

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the carrying of handguns on the campuses of and certain  
3 other locations associated with institutions of higher education;  
4 providing a criminal penalty.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter H, Chapter 411, Government Code, is  
7 amended by adding Section 411.2031 to read as follows:

8 Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON  
9 CERTAIN CAMPUSES. (a) For purposes of this section:

10 (1) "Campus" means all land and buildings owned or  
11 leased by an institution of higher education or private or  
12 independent institution of higher education.

13 (2) "Institution of higher education" and "private or  
14 independent institution of higher education" have the meanings  
15 assigned by Section 61.003, Education Code.

16 (3) "Premises" has the meaning assigned by Section  
17 46.035, Penal Code.

18 (b) A license holder may carry a concealed handgun on or  
19 about the license holder's person while the license holder is on the  
20 campus of an institution of higher education or private or  
21 independent institution of higher education in this state.

22 (c) Except as provided by Subsection (d), (d-1), or (e), an  
23 institution of higher education or private or independent  
24 institution of higher education in this state may not adopt any

1 rule, regulation, or other provision prohibiting license holders  
2 from carrying handguns on the campus of the institution.

3 (d) An institution of higher education or private or  
4 independent institution of higher education in this state may  
5 establish rules, regulations, or other provisions concerning the  
6 storage of handguns in dormitories or other residential facilities  
7 that are owned or leased and operated by the institution and located  
8 on the campus of the institution.

9 (d-1) After consulting with students, staff, and faculty of  
10 the institution regarding the nature of the student population,  
11 specific safety considerations, and the uniqueness of the campus  
12 environment, the president or other chief executive officer of an  
13 institution of higher education in this state shall establish  
14 reasonable rules, regulations, or other provisions regarding the  
15 carrying of concealed handguns by license holders on the campus of  
16 the institution or on premises located on the campus of the  
17 institution. The president or officer may not establish provisions  
18 that generally prohibit or have the effect of generally prohibiting  
19 license holders from carrying concealed handguns on the campus of  
20 the institution. The president or officer may amend the provisions  
21 as necessary for campus safety. The provisions take effect as  
22 determined by the president or officer unless subsequently amended  
23 by the board of regents or other governing board under Subsection  
24 (d-2). The institution must give effective notice under Section  
25 30.06, Penal Code, with respect to any portion of a premises on  
26 which license holders may not carry.

27 (d-2) Not later than the 90th day after the date that the

1 rules, regulations, or other provisions are established as  
2 described by Subsection (d-1), the board of regents or other  
3 governing board of the institution of higher education shall review  
4 the provisions. The board of regents or other governing board may,  
5 by a vote of not less than two-thirds of the board, amend wholly or  
6 partly the provisions established under Subsection (d-1). If  
7 amended under this subsection, the provisions are considered to be  
8 those of the institution as established under Subsection (d-1).

9 (d-3) An institution of higher education shall widely  
10 distribute the rules, regulations, or other provisions described by  
11 Subsection (d-1) to the institution's students, staff, and faculty,  
12 including by prominently publishing the provisions on the  
13 institution's Internet website.

14 (d-4) Not later than September 1 of each even-numbered year,  
15 each institution of higher education in this state shall submit a  
16 report to the legislature and to the standing committees of the  
17 legislature with jurisdiction over the implementation and  
18 continuation of this section that:

19 (1) describes its rules, regulations, or other  
20 provisions regarding the carrying of concealed handguns on the  
21 campus of the institution; and

22 (2) explains the reasons the institution has  
23 established those provisions.

24 (e) A private or independent institution of higher  
25 education in this state, after consulting with students, staff, and  
26 faculty of the institution, may establish rules, regulations, or  
27 other provisions prohibiting license holders from carrying

1 handguns on the campus of the institution, any grounds or building  
2 on which an activity sponsored by the institution is being  
3 conducted, or a passenger transportation vehicle owned by the  
4 institution.

5 SECTION 2. Section 411.208, Government Code, is amended by  
6 amending Subsections (a), (b), and (d) and adding Subsection (f) to  
7 read as follows:

8 (a) A court may not hold the state, an agency or subdivision  
9 of the state, an officer or employee of the state, an institution of  
10 higher education, an officer or employee of an institution of  
11 higher education, a private or independent institution of higher  
12 education that has not adopted rules under Section 411.2031(e), an  
13 officer or employee of a private or independent institution of  
14 higher education that has not adopted rules under Section  
15 411.2031(e), a peace officer, or a qualified handgun instructor  
16 liable for damages caused by:

17 (1) an action authorized under this subchapter or a  
18 failure to perform a duty imposed by this subchapter; or

19 (2) the actions of an applicant or license holder that  
20 occur after the applicant has received a license or been denied a  
21 license under this subchapter.

22 (b) A cause of action in damages may not be brought against  
23 the state, an agency or subdivision of the state, an officer or  
24 employee of the state, an institution of higher education, an  
25 officer or employee of an institution of higher education, a  
26 private or independent institution of higher education that has not  
27 adopted rules under Section 411.2031(e), an officer or employee of

1 a private or independent institution of higher education that has  
2 not adopted rules under Section 411.2031(e), a peace officer, or a  
3 qualified handgun instructor for any damage caused by the actions  
4 of an applicant or license holder under this subchapter.

5 (d) The immunities granted under Subsections (a), (b), and  
6 (c) do not apply to:

7 (1) an act or a failure to act by the state, an agency  
8 or subdivision of the state, an officer of the state, an institution  
9 of higher education, an officer or employee of an institution of  
10 higher education, a private or independent institution of higher  
11 education that has not adopted rules under Section 411.2031(e), an  
12 officer or employee of a private or independent institution of  
13 higher education that has not adopted rules under Section  
14 411.2031(e), or a peace officer if the act or failure to act was  
15 capricious or arbitrary; or

16 (2) any officer or employee of an institution of  
17 higher education or private or independent institution of higher  
18 education described by Subdivision (1) who possesses a handgun on  
19 the campus of that institution and whose conduct with regard to the  
20 handgun is made the basis of a claim for personal injury or property  
21 damage.

22 (f) For purposes of this section:

23 (1) "Campus" has the meaning assigned by Section  
24 411.2031.

25 (2) "Institution of higher education" and "private or  
26 independent institution of higher education" have the meanings  
27 assigned by Section 61.003, Education Code.

1 SECTION 3. Sections 46.03(a) and (c), Penal Code, are  
2 amended to read as follows:

3 (a) A person commits an offense if the person intentionally,  
4 knowingly, or recklessly possesses or goes with a firearm, illegal  
5 knife, club, or prohibited weapon listed in Section 46.05(a):

6 (1) on the physical premises of a school or  
7 educational institution, any grounds or building on which an  
8 activity sponsored by a school or educational institution is being  
9 conducted, or a passenger transportation vehicle of a school or  
10 educational institution, whether the school or educational  
11 institution is public or private, unless:

12 (A) pursuant to written regulations or written  
13 authorization of the institution; or

14 (B) the person possesses or goes with a concealed  
15 handgun that the person is licensed to carry under Subchapter H,  
16 Chapter 411, Government Code, and no other weapon to which this  
17 section applies, on the premises of an institution of higher  
18 education or private or independent institution of higher  
19 education, on any grounds or building on which an activity  
20 sponsored by the institution is being conducted, or in a passenger  
21 transportation vehicle of the institution;

22 (2) on the premises of a polling place on the day of an  
23 election or while early voting is in progress;

24 (3) on the premises of any government court or offices  
25 utilized by the court, unless pursuant to written regulations or  
26 written authorization of the court;

27 (4) on the premises of a racetrack;

1 (5) in or into a secured area of an airport; or

2 (6) within 1,000 feet of premises the location of  
3 which is designated by the Texas Department of Criminal Justice as a  
4 place of execution under Article 43.19, Code of Criminal Procedure,  
5 on a day that a sentence of death is set to be imposed on the  
6 designated premises and the person received notice that:

7 (A) going within 1,000 feet of the premises with  
8 a weapon listed under this subsection was prohibited; or

9 (B) possessing a weapon listed under this  
10 subsection within 1,000 feet of the premises was prohibited.

11 (c) In this section:

12 (1) "Institution of higher education" and "private or  
13 independent institution of higher education" have the meanings  
14 assigned by Section 61.003, Education Code.

15 (2) "Premises" has the meaning assigned by Section  
16 46.035.

17 (3) [~~2~~] "Secured area" means an area of an airport  
18 terminal building to which access is controlled by the inspection  
19 of persons and property under federal law.

20 SECTION 4. Section 46.035, Penal Code, is amended by adding  
21 Subsections (a-1), (a-2), (a-3), and (l) and amending Subsections  
22 (g), (h), and (j) to read as follows:

23 (a-1) Notwithstanding Subsection (a), a license holder  
24 commits an offense if the license holder carries a partially or  
25 wholly visible handgun, regardless of whether the handgun is  
26 holstered, on or about the license holder's person under the  
27 authority of Subchapter H, Chapter 411, Government Code, and



1 intentionally or knowingly displays the handgun in plain view of  
2 another person:

3 (1) on the premises of an institution of higher  
4 education or private or independent institution of higher  
5 education; or

6 (2) on any public or private driveway, street,  
7 sidewalk or walkway, parking lot, parking garage, or other parking  
8 area of an institution of higher education or private or  
9 independent institution of higher education.

10 (a-2) Notwithstanding Subsection (a) or Section 46.03(a), a  
11 license holder commits an offense if the license holder carries a  
12 handgun on the campus of a private or independent institution of  
13 higher education in this state that has established rules,  
14 regulations, or other provisions prohibiting license holders from  
15 carrying handguns pursuant to Section 411.2031(e), Government  
16 Code, or on the grounds or building on which an activity sponsored  
17 by such an institution is being conducted, or in a passenger  
18 transportation vehicle of such an institution, regardless of  
19 whether the handgun is concealed, provided the institution gives  
20 effective notice under Section 30.06.

21 (a-3) Notwithstanding Subsection (a) or Section 46.03(a), a  
22 license holder commits an offense if the license holder  
23 intentionally carries a concealed handgun on a portion of a  
24 premises located on the campus of an institution of higher  
25 education in this state on which the carrying of a concealed handgun  
26 is prohibited by rules, regulations, or other provisions  
27 established under Section 411.2031(d-1), Government Code, provided

1 the institution gives effective notice under Section 30.06 with  
2 respect to that portion.

3 (g) An offense under Subsection (a), (a-1), (a-2), (a-3),  
4 (b), (c), (d), or (e) is a Class A misdemeanor, unless the offense  
5 is committed under Subsection (b)(1) or (b)(3), in which event the  
6 offense is a felony of the third degree.

7 (h) It is a defense to prosecution under Subsection (a),  
8 (a-1), (a-2), or (a-3) that the actor, at the time of the commission  
9 of the offense, displayed the handgun under circumstances in which  
10 the actor would have been justified in the use of force or deadly  
11 force under Chapter 9.

12 (j) Subsections (a), (a-1), (a-2), (a-3), and (b)(1) do not  
13 apply to a historical reenactment performed in compliance with the  
14 rules of the Texas Alcoholic Beverage Commission.

15 (l) Subsection (b)(2) does not apply on the premises where a  
16 collegiate sporting event is taking place if the actor was not given  
17 effective notice under Section 30.06.

18 SECTION 5. Section 46.035(f), Penal Code, is amended by  
19 adding Subdivision (1-a) to read as follows:

20 (1-a) "Institution of higher education" and "private  
21 or independent institution of higher education" have the meanings  
22 assigned by Section 61.003, Education Code.

23 SECTION 6. Section 411.208, Government Code, as amended by  
24 this Act, applies only to a cause of action that accrues on or after  
25 the effective date of this Act. A cause of action that accrues  
26 before the effective date of this Act is governed by the law in  
27 effect immediately before that date, and that law is continued in

1 effect for that purpose.

2 SECTION 7. The change in law made by this Act applies only  
3 to an offense committed on or after the effective date of this Act.  
4 An offense committed before the effective date of this Act is  
5 governed by the law in effect on the date the offense was committed,  
6 and the former law is continued in effect for that purpose. For  
7 purposes of this section, an offense was committed before the  
8 effective date of this Act if any element of the offense occurred  
9 before that date.

10 SECTION 8. (a) Except as otherwise provided by this  
11 section, this Act takes effect August 1, 2016.

12 (b) Before August 1, 2016, the president or other chief  
13 executive officer of an institution of higher education, as defined  
14 by Section 61.003, Education Code, other than a public junior  
15 college as defined by that section, shall take any action necessary  
16 to adopt rules, regulations, or other provisions as required by  
17 Section 411.2031, Government Code, as added by this Act.  
18 Notwithstanding any other law, the president or other chief  
19 executive officer shall establish rules, regulations, or other  
20 provisions under Section 411.2031(d-1), Government Code, as added  
21 by this Act, that take effect August 1, 2016.

22 (c) Before August 1, 2016, a private or independent  
23 institution of higher education, as defined by Section 61.003,  
24 Education Code, may take any action necessary to adopt rules,  
25 regulations, or other provisions as authorized under Section  
26 411.2031, Government Code, as added by this Act.

27 (d) This Act does not apply to a public junior college, as

1 defined by Section 61.003, Education Code, before August 1, 2017.  
2 Not later than August 1, 2017, the president or other chief  
3 executive officer of a public junior college shall take any action  
4 necessary to adopt rules, regulations, or other provisions as  
5 required by Section 411.2031, Government Code, as added by this  
6 Act. Notwithstanding any other law, the president or other chief  
7 executive officer shall establish rules, regulations, or other  
8 provisions under Section 411.2031(d-1), Government Code, as added  
9 by this Act, that take effect August 1, 2017.

**Senate Bill 11**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

SECTION 1. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.2031 to read as follows:

Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON CERTAIN CAMPUSES.

(a) For purposes of this section:

(1) "Campus" means all land and buildings owned or leased by an institution of higher education or private or independent institution of higher education.

(2) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(3) "Premises" has the meaning assigned by Section 46.035, Penal Code.

(b) A license holder may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of an institution of higher education or private or independent institution of higher education in this state.

(c) Except as provided by Subsection (d) or (e), an institution of higher education or private or independent institution of higher education in this state may not adopt any rule, regulation, or other provision prohibiting license holders from

SECTION 1. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.2031 to read as follows:

Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON CERTAIN CAMPUSES.

(a) For purposes of this section:

(1) "Campus" means all land and buildings owned or leased by an institution of higher education or private or independent institution of higher education.

(2) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code. *The term does not include a health-related institution of higher education listed under Section 63.002(c), Education Code, or the Texas Medical Center.*

(3) "Private or independent institution of higher education" has the meaning assigned by Section 61.003, Education Code. *The term does not include a health-related institution of higher education listed under Section 63.002(c), Education Code, or the Texas Medical Center.*

(4) Same as Senate version. [FA5(1)]

(b) Same as Senate version.

(c) Except as provided by Subsections (d) or (d-1) an institution of higher education or private or independent institution of higher education in this state may not adopt any rule, regulation, or other provision prohibiting license holders

SECTION 1. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.2031 to read as follows:

Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON CERTAIN CAMPUSES.

(a) Same as Senate version.

(1) Same as Senate version.

(2) Same as Senate version.

(3) Same as Senate version.

(b) Same as Senate version.

(c) Except as provided by Subsection (d), (d-1), or (e), an institution of higher education or private or independent institution of higher education in this state may not adopt any rule, regulation, or other provision prohibiting license holders

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SENATE VERSION

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CONFERENCE

carrying handguns on the campus of the institution.

from carrying handguns on the campus of the institution.  
[FA1(1);FA6(1)]

from carrying handguns on the campus of the institution.

(d) An institution of higher education or private or independent institution of higher education in this state may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories or other residential facilities that are owned or leased and operated by the institution and located on the campus of the institution.

(d) Same as Senate version.

(d) Same as Senate version.

*No equivalent provision.*

(d-1) Subject to the approval of not less than two-thirds of the board of regents or other governing board of the institution and after consulting with students, staff, and faculty of the institution, an institution of higher education in this state may establish reasonable rules, regulations, or other provisions prohibiting license holders from carrying concealed handguns on specifically identified portions of premises located on the campus of the institution. The institution may not establish rules, regulations, or other provisions that generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on the campus of the institution. The institution must give effective notice under Section 30.06, Penal Code, with respect to the portion of the premises on which license holders may not carry.

(d-1) After consulting with students, staff, and faculty of the institution regarding the nature of the student population, specific safety considerations, and the uniqueness of the campus environment, the president or other chief executive officer of an institution of higher education in this state shall establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders on the campus of the institution or on premises located on the campus of the institution. The president or officer may not establish provisions that generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on the campus of the institution. The president or officer may amend the provisions as necessary for campus safety. The provisions take effect as determined by the president or officer unless subsequently amended by the board of regents or other governing board under Subsection (d-2). The institution must give effective notice under Section 30.06, Penal Code, with respect to any portion of a premises on which license holders may not carry.

*No equivalent provision.*

*No equivalent provision.*

(d-2) Not later than the 90th day after the date that the rules, regulations, or other provisions are established as described by

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Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

*No equivalent provision.*

*No equivalent provision.*

Subsection (d-1), the board of regents or other governing board of the institution of higher education shall review the provisions. The board of regents or other governing board may, by a vote of not less than two-thirds of the board, amend wholly or partly the provisions established under Subsection (d-1). If amended under this subsection, the provisions are considered to be those of the institution as established under Subsection (d-1).

(d-3) An institution of higher education shall widely distribute the rules, regulations, or other provisions described by Subsection (d-1) to the institution's students, staff, and faculty, including by prominently publishing the provisions on the institution's Internet website.

*No equivalent provision.*

(d-2) Not later than September 1 of each even-numbered year, **an institution of higher education that has established rules, regulations, or other provisions under Subsection (d-1)** must submit a report to the legislature and to the standing committees of the legislature **designated under Subsection (d-3)** that:

(d-4) Not later than September 1 of each even-numbered year, **each** institution of higher education in this state shall submit a report to the legislature and to the standing committees of the legislature **with jurisdiction over the implementation and continuation of this section that:**

(1) **describes the specifically identified portions of premises of the institution on which the carrying of concealed handguns is prohibited under the rules, regulations, or other provisions; and**

(1) **describes its rules, regulations, or other provisions regarding the carrying of concealed handguns on the campus of the institution; and**

(2) explains the reasons the institution **prohibits the carrying of concealed handguns on those portions.**

(2) explains the reasons the institution **has established those provisions.**

*No equivalent provision.*

(d-3) The speaker of the house of representatives and the lieutenant governor shall designate a standing committee of the house of representatives and the senate, respectively, to monitor the implementation and continuation of this section.

Same as Senate version.

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SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

[FA1(2)]

(e) A private or independent institution of higher education in this state, after consulting with students, staff, and faculty of the institution, may establish rules, regulations, or other provisions prohibiting license holders from carrying handguns on the campus of the institution, any grounds or building on which an activity sponsored by the institution is being conducted, or a passenger transportation vehicle owned by the institution.

*No equivalent provision.* [Deleted by FA6(2)].

Same as Senate version.

(f) This section does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a hospital maintained or operated by an institution of higher education or private or independent institution of higher education if the hospital gives effective notice under Section 30.06, Penal Code. In this subsection, "hospital" has the meaning assigned by Section 241.003, Health and Safety Code.

(f) Same as Senate version.

*No equivalent provision.*

*[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]*

(g) This section does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a preschool, elementary school, or secondary school that is located on the campus of an institution of higher education or private or independent institution of higher education if the institution gives effective notice under Section 30.06, Penal Code.

(g) Same as Senate version.

*No equivalent provision.*

*[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]*

SECTION 2. Section 411.208, Government Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (f) to read as follows:

(a) A court may not hold the state, an agency or subdivision

SECTION 2. Section 411.208, Government Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (f) to read as follows:

(a) A court may not hold the state, an agency or subdivision

SECTION 2. Same as Senate version.



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HOUSE VERSION (IE)

CONFERENCE

of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), a peace officer, or a qualified handgun instructor liable for damages caused by:

(1) an action authorized under this subchapter or a failure to perform a duty imposed by this subchapter; or

(2) the actions of an applicant or license holder that occur after the applicant has received a license or been denied a license under this subchapter.

(b) A cause of action in damages may not be brought against the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), a peace officer, or a qualified handgun instructor for any damage caused by the actions of an applicant or license holder under this subchapter.

(d) The immunities granted under Subsections (a), (b), and (c) do not apply to:

(1) an act or a failure to act by the state, an agency or subdivision of the state, an officer of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), an officer or employee of a private or

of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education, an officer or employee of a private or independent institution of higher education, a peace officer, or a qualified handgun instructor liable for damages caused by: [FA6(3)-(4)]

(1) an action authorized under this subchapter or a failure to perform a duty imposed by this subchapter; or

(2) the actions of an applicant or license holder that occur after the applicant has received a license or been denied a license under this subchapter.

(b) A cause of action in damages may not be brought against the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education, an officer or employee of a private or independent institution of higher education, a peace officer, or a qualified handgun instructor for any damage caused by the actions of an applicant or license holder under this subchapter. [FA6(5)-(6)]

(d) The immunities granted under Subsections (a), (b), and (c) do not apply to:

(1) an act or a failure to act by the state, an agency or subdivision of the state, an officer of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education, an officer or employee of a private or independent institution of higher education, or a peace officer if the act or

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CONFERENCE

independent institution of higher education *that has not adopted rules under Section 411.2031(e)*, or a peace officer if the act or failure to act was capricious or arbitrary; or

(2) any officer or employee of an institution of higher education or private or independent institution of higher education described by Subdivision (1) who possesses a handgun on the campus of that institution and whose conduct with regard to the handgun is made the basis of a claim for personal injury or property damage.

(f) For purposes of this section:

(1) "Campus" has the meaning assigned by Section 411.2031.

(2) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by *Section 61.003, Education Code*.

SECTION 3. Section 46.03, Penal Code, is amended by amending Subsections (a) and (c) and adding Subsections (j) and (k) to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(a):

(1) on the physical 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 passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless:

(A) pursuant to written regulations or written authorization of the institution; or

(B) the person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H,

failure to act was capricious or arbitrary; or [FA6(7)-(8)]

(2) any officer or employee of an institution of higher education or private or independent institution of higher education described by Subdivision (1) who possesses a handgun on the campus of that institution and whose conduct with regard to the handgun is made the basis of a claim for personal injury or property damage.

(f) For purposes of this section:

(1) "Campus" has the meaning assigned by Section 411.2031.

(2) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by *Section 411.2031*. [FA5(2)]

SECTION 3. Section 46.03, Penal Code, is amended by amending Subsections (a) and (c) and adding Subsections (j) and (k) to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(a):

(1) on the physical 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 passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless:

(A) pursuant to written regulations or written authorization of the institution; or

(B) the person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H,

SECTION 3. Same as Senate version, except as follows:

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Chapter 411, Government Code, and no other weapon to which this section applies, on the premises of an institution of higher education or private or independent institution of higher education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution;

(2) on the premises of a polling place on the day of an election or while early voting is in progress;

(3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;

(4) on the premises of a racetrack;

(5) in or into a secured area of an airport; or

(6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited.

(c) In this section:

(1) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(2) "Premises" has the meaning assigned by Section 46.035.

(3) [~~2~~] "Secured area" means an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law.

Chapter 411, Government Code, and no other weapon to which this section applies, on the premises of an institution of higher education or private or independent institution of higher education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution;

(2) on the premises of a polling place on the day of an election or while early voting is in progress;

(3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;

(4) on the premises of a racetrack;

(5) in or into a secured area of an airport; or

(6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited.

(c) In this section:

(1) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 411.2031, Government Code.

[FA5(3)]

(2) "Premises" has the meaning assigned by Section 46.035.

(3) [~~2~~] "Secured area" means an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law.

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(j) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a hospital maintained or operated by an institution of higher education or private or independent institution of higher education if the hospital gives effective notice under Section 30.06. In this subsection, "hospital" has the meaning assigned by Section 241.003, Health and Safety Code.

(k) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a preschool, elementary school, or secondary school that is located on the premises of an institution of higher education or private or independent institution of higher education if the institution gives effective notice under Section 30.06.

SECTION 4. Section 46.035, Penal Code, is amended by amending Subsections (g), (h), and (j) and adding Subsections (a-1) and (l) to read as follows:

(a-1) Notwithstanding Subsection (a), a license holder commits an offense if the license holder carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, on or about the license holder's person under the authority of Subchapter H, Chapter 411, Government Code, and intentionally or knowingly displays the handgun in plain view of another person:

(1) on the premises of an institution of higher education or private or independent institution of higher education; or

(2) on any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of an institution of higher education or private or independent institution of higher education.

(j) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a hospital maintained or operated by an institution of higher education or private or independent institution of higher education if the hospital gives effective notice under Section 30.06. In this subsection, "hospital" has the meaning assigned by Section 241.003, Health and Safety Code.

(k) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a preschool, elementary school, or secondary school that is located on the premises of an institution of higher education or private or independent institution of higher education if the institution gives effective notice under Section 30.06.

SECTION 4. Section 46.035, Penal Code, is amended by amending Subsections (g), (h), and (j) and adding Subsections (a-1) and (l) to read as follows:

(a-1) Same as Senate version.

*No equivalent provision.*

*[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]*

*No equivalent provision.*

*[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]*

SECTION 4. Section 46.035, Penal Code, is amended by adding Subsections (a-1), (a-2), (a-3), and (l) and amending Subsections (g), (h), and (j) to read as follows:

(a-1) Same as Senate version.

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*(See SECTION 6 below.)*

*No equivalent provision.* [Deleted by FA6(9)]

(a-2) *(Same as Senate version, see below.)*

*No equivalent provision.*

Same as Senate version.

(a-3) Notwithstanding Subsection (a) or Section 46.03(a), a license holder commits an offense if the license holder intentionally carries a concealed handgun on a portion of a premises located on the campus of an institution of higher education in this state on which the carrying of a concealed handgun is prohibited by rules, regulations, or other provisions established under Section 411.2031(d-1), Government Code, provided the institution gives effective notice under Section 30.06 with respect to that portion.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

(g) An offense under Subsection (a), (a-1), (b), (c), (d), or (e) is a Class A misdemeanor, unless the offense is committed under Subsection (b)(1) or (b)(3), in which event the offense is a felony of the third degree.

(g) Same as Senate version.

(g) An offense under Subsection (a), (a-1), (a-2), (a-3), (b), (c), (d), or (e) is a Class A misdemeanor, unless the offense is committed under Subsection (b)(1) or (b)(3), in which event the offense is a felony of the third degree.

(h) It is a defense to prosecution under Subsection (a) or (a-1) that the actor, at the time of the commission of the offense, displayed the handgun under circumstances in which the actor would have been justified in the use of force or deadly force under Chapter 9.

(h) Same as Senate version.

(h) It is a defense to prosecution under Subsection (a), (a-1), (a-2), or (a-3) that the actor, at the time of the commission of the offense, displayed the handgun under circumstances in which the actor would have been justified in the use of force or deadly force under Chapter 9.

(j) Subsections (a), (a-1), and (b)(1) do not apply to a historical reenactment performed in compliance with the rules of the Texas Alcoholic Beverage Commission.

(j) Same as Senate version.

(j) Subsections (a), (a-1), (a-2), (a-3), and (b)(1) do not apply to a historical reenactment performed in compliance with the rules of the Texas Alcoholic Beverage Commission.

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(l) Subsection (b)(2) does not apply on the premises where a collegiate sporting event is taking place if the actor was not given effective notice under Section 30.06.

(l) Same as Senate version.

(l) Same as Senate version.

SECTION 5. Section 46.035(f), Penal Code, is amended by adding Subdivision (1-a) to read as follows:

SECTION 5. Section 46.035(f), Penal Code, is amended by adding Subdivision (1-a) to read as follows:

SECTION 5. Same as Senate version.

(1-a) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(1-a) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 411.2031, Government Code.  
[FA5(4)]

SECTION 6. Section 46.035, Penal Code, is amended by amending Subsections (g), (h), and (j) and adding Subsection (a-2) to read as follows:

*No equivalent provision.* [Deleted by FA6(9)]

SECTION 4. (a-2) Same as Senate version.

(a-2) Notwithstanding Subsection (a) or Section 46.03(a), a license holder commits an offense if the license holder carries a handgun on the campus of a private or independent institution of higher education in this state that has established rules, regulations, or other provisions prohibiting license holders from carrying handguns pursuant to Section 411.2031(e), Government Code, or on the grounds or building on which an activity sponsored by such an institution is being conducted, or in a passenger transportation vehicle of such an institution, regardless of whether the handgun is concealed, provided the institution gives effective notice under Section 30.06.

(g) An offense under Subsection (a), (a-2), (b), (c), (d), or (e) is a Class A misdemeanor, unless the offense is committed under Subsection (b)(1) or (b)(3), in which event the offense is a felony of the third degree.

*No equivalent provision.* [Deleted by FA6(9)]

*(See SECTION 4 above.)*

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(h) It is a defense to prosecution under Subsection (a) or (a-2) that the actor, at the time of the commission of the offense, displayed the handgun under circumstances in which the actor would have been justified in the use of force or deadly force under Chapter 9.

*No equivalent provision.* [Deleted by FA6(9)]

*(See SECTION 4 above.)*

(j) Subsections (a), (a-2), and (b)(1) do not apply to a historical reenactment performed in compliance with the rules of the Texas Alcoholic Beverage Commission.

*No equivalent provision.* [Deleted by FA6(9)]

*(See SECTION 4 above.)*

SECTIONS 7-8. Saving provisions.

SECTIONS 7-8. Same as Senate version.

SECTIONS 6-7. Same as Senate version.

SECTION 9. This Act takes effect *September 1, 2015*.

SECTION \_\_. (a) *Except as provided by Subsection (b) of this section*, this Act takes effect *September 1, 2016*.

(b) Before *September 1, 2016*, an institution of higher education or private or independent institution of higher education *may* take any action necessary to adopt rules, regulations, or other provisions as *authorized under* Section 411.2031, Government Code, as added by this Act. [FA1(8)]

SECTION 8. (a) *Except as otherwise provided by this section*, this Act takes effect *August 1, 2016*.

(b) Before *August 1, 2016*, *the president or other chief executive officer of* an institution of higher education, *as defined by Section 61.003, Education Code, other than a public junior college as defined by that section*, shall take any action necessary to adopt rules, regulations, or other provisions as *required by* Section 411.2031, Government Code, as added by this Act. *Notwithstanding any other law, the president or other chief executive officer shall establish rules, regulations, or other provisions under Section 411.2031(d-1), Government Code, as added by this Act, that take effect August 1, 2016.*

(c) Before *August 1, 2016*, a private or independent institution of higher education, as defined by Section 61.003, Education Code, may take any action necessary to adopt rules, regulations, or other provisions as authorized under Section 411.2031, Government Code, as added by this Act.

(d) *This Act does not apply to a public junior college, as defined by Section 61.003, Education Code, before August 1,*

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*2017. Not later than August 1, 2017, the president or other chief executive officer of a public junior college shall take any action necessary to adopt rules, regulations, or other provisions as required by Section 411.2031, Government Code, as added by this Act. Notwithstanding any other law, the president or other chief executive officer shall establish rules, regulations, or other provisions under Section 411.2031(d-1), Government Code, as added by this Act, that take effect August 1, 2017.*



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 29, 2015**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** SB11 by Birdwell (Relating to the carrying of handguns on the campuses of and certain other locations associated with institutions of higher education; providing a criminal penalty.), **Conference Committee Report**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Government Code and Penal Code to authorize an individual possessing a valid concealed handgun license issued in the state of Texas to carry a concealed handgun on campuses or premises associated with public and private institutions of higher education. The bill would allow an institution of higher education to, within certain requirements, establish rules with respect to license holders carrying concealed handguns on the campus of the institution or on identified premises of the institution. The bill would require institutions to report to the legislature on the adopted rules. The bill would also allow an institution of higher education to establish rules governing the storage of handguns in dormitories and other residential facilities, and provides for a limitation on liability.

State institutions of higher education reported varying estimates of cost associated with implementing certain provisions of the bill, primarily with respect to health related institutions. It is assumed implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect September 1, 2015 for all institutions of higher education, save for Community Colleges, for whom the provisions apply on August 1, 2017.

**Local Government Impact**

Local community college districts could experience increased costs related to campus police operations, security programs, and staff training. Adaptation of community college campus facilities to accommodate the storage of handguns could result in new costs for community college districts.

**Source Agencies:** 405 Department of Public Safety, 710 Texas A&M University System Administrative and General Offices, 758 Texas State University System, 768 Texas Tech University System Administration, 783 University of Houston System Administration, 720 The University of Texas System Administration, 769 University of North Texas System Administration, 781

Higher Education Coordinating Board

**LBB Staff:** UP, ESi, GO, AG, AI, JAW, EH, LM, SZ, EP, JPo

**Certification of Compliance with  
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order under Rule 13.

I certify that a copy of the conference committee report on S.B. 11 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.

Allen Fletcher

(name)

05/29/2015

(date)