

H.B. No. 1927

AN ACT relating to provisions governing the **carrying of a firearm by a person who is 21 years of age or older and not otherwise prohibited by state or federal law from possessing the firearm and to other provisions related to the carrying, possessing, transporting, or storing of a firearm or other weapon; creating criminal offenses.**

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

SECTION 1. This Act shall be known as the Firearm Carry Act of 2021.

SECTION 2. The Legislature of the State of Texas finds that:

(1) The Second Amendment of the United States Constitution protects an individual right to keep and bear arms, and to possess a firearm unconnected with service in a militia, and to use that firearm for traditionally lawful purposes, such as self-defense within the home;

(2) Section 23, Article I, of the Texas Constitution secures for Texas citizens the right to keep and bear arms;

(3) persons who are currently prohibited from possessing firearms under state and federal law will not gain the right to possess or carry a firearm under this legislation; and

(4) persons who are currently prohibited from possessing a firearm include: persons convicted of a felony as described by the provisions of Section 46.04, Penal Code, persons convicted of certain assault offenses under Section 22.01, Penal Code, punishable as a Class A misdemeanor and involving a member of the person's family or household, certain persons who are the subject of a protective order under Section 46.04(c), Penal Code, and persons meeting any of the criteria listed in 18 U.S.C. Section 922(g), including persons adjudicated to be mentally incompetent.

SECTION 3. Article 14.03, Code of Criminal Procedure, is amended by adding Subsection (h) to read as follows:

(h)(1) A peace officer who is acting in the lawful discharge of the officer's official duties may disarm a person at any time the officer reasonably believes it is necessary for the protection of the person, officer, or another individual. The peace officer shall return the handgun to the person before discharging the person from the scene if the officer determines that the person is not a threat to the officer, person, or another individual and if the person has not committed a violation that results in the arrest of the person.

(2) A peace officer who is acting in the lawful discharge of the officer's official duties may temporarily disarm a person when the person enters a nonpublic, secure portion of a law enforcement facility, if the law enforcement agency provides a gun locker or other secure area where the peace officer can secure the person's handgun. The peace officer shall secure the handgun in the locker or other secure area and shall return the handgun to the person immediately after the person leaves the nonpublic, secure portion of the law enforcement facility.

(3) For purposes of this subsection, "law enforcement facility" and "nonpublic, secure portion of a law enforcement facility" have the meanings assigned by Section 411.207, Government Code.

SECTION 4. Article 55.01(a), Code of Criminal Procedure, is amended to read as follows:

(a) A person who has been placed under a custodial or noncustodial arrest for commission of either a felony or misdemeanor is entitled to have all records and files relating to the arrest expunged if:

(1) the person is tried for the offense for which the person was arrested and is:

(A) acquitted by the trial court, except as provided by Subsection (c); [or]

(B) convicted and subsequently:

(i) pardoned for a reason other than that described by Subparagraph (ii); or

(ii) pardoned or otherwise granted relief on the basis of actual innocence with respect to that offense, if the applicable pardon or court order clearly indicates on its face that the pardon or order was granted or rendered on the basis of the person's actual innocence; or

(C) convicted of an offense committed before September 1, 2021, under Section 46.02(a), Penal Code, as that section existed before that date; or

(2) the person has been released and the charge, if any, has not resulted in a final conviction and is no longer pending and there was no court-ordered community supervision under Chapter 42A for the offense, unless the offense is a Class C misdemeanor, provided that:

(A) regardless of whether any statute of limitations exists for the offense and whether any limitations period for the offense has expired, an indictment or information charging the person with the commission of a misdemeanor offense based on the person's arrest or charging the person with the commission of any felony offense arising out of the same transaction for which the person was arrested:

(i) has not been presented against the person at any time following the arrest, and:

(a) at least 180 days have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class C misdemeanor and if there was no felony charge arising out of the same transaction for which the person was arrested;

(b) at least one year has elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class B or A misdemeanor and if there was no felony charge arising out of the same transaction for which the person was arrested;

(c) at least three years have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a felony or if there was a felony charge arising out of the same transaction for which the person was arrested; or

(d) the attorney representing the state certifies that the applicable arrest records and files are not needed for use in any criminal investigation or prosecution, including an investigation or prosecution of another person; or

(ii) if presented at any time following the arrest, was dismissed or quashed, and the court finds that the indictment or information was dismissed or quashed because:

(a) the person completed a veterans treatment court program created under Chapter 124, Government Code, or former law, subject to Subsection (a-3);

(b) the person completed a mental health court program created under Chapter 125, Government Code, or former law, subject to Subsection (a-4);

(c) the person completed a pretrial intervention program authorized under Section 76.011, Government Code, other than a veterans treatment court program created under Chapter 124, Government Code, or former law, or a mental health court program created under Chapter 125, Government Code, or former law;

(d) the presentment had been made because of mistake, false information, or other similar reason indicating absence of probable cause at the time of the dismissal to believe the person committed the offense; or

(e) the indictment or information was void; or

(B) prosecution of the person for the offense for which the person was arrested is no longer possible because the limitations period has expired.

SECTION 5. Section 2(a), Article 55.02, Code of Criminal Procedure, is amended to read as follows:

(a) A person who is entitled to expunction of records and files under Article 55.01(a)(1)(A), 55.01(a)(1)(B)(i), 55.01(a)(1)(C), or 55.01(a)(2) or a person who is eligible for expunction of records and files under Article 55.01(b) may file an ex parte petition for expunction in a district court for the county in which:

(1) the petitioner was arrested; or

(2) the offense was alleged to have occurred.

SECTION 6. Section 37.0815(b), Education Code, is amended to read as follows:

(b) This section does not authorize a person to possess, transport, or store a handgun, a firearm, or ammunition in violation of Section 37.125 of this code, Section 46.03 [or 46.035], Penal Code, or other law.

SECTION 7. Subchapter A, Chapter 411, Government Code, is amended by adding Sections 411.02096 and 411.02097 to read as follows:

Sec. 411.02096. REPORT REGARDING CERTAIN FIREARM STATISTICS. (a) Not later than January 31 of each year, the department shall collect information for the preceding calendar year related to the carrying of firearms by persons in this state, including:

(1) the number of persons who applied for a license to carry a handgun under Subchapter H compared to the yearly average number of people who applied for a license from 2010 through 2020; and

(2) any other relevant information related to the carrying of firearms by persons in this state.

(b) The department shall identify the entities that possess information required by Subsection (a) and require each entity to report the information to the department in the manner prescribed by the department.

(c) Not later than February 1 of each year, the department shall prepare and submit to the governor, the lieutenant governor, and each member of the legislature a report that includes the information described by Subsection (a).

(d) This section expires September 1, 2028.

Sec. 411.02097. **FIREARM SAFETY.** The department shall develop and post on the department's Internet website a course on firearm safety and handling. The course must be accessible to the public free of charge.

SECTION 8. Sections 411.186(a), (c), and (d), Government Code, are amended to read as follows:

- (a) The department shall revoke a license under this section if the license holder:
 - (1) was not entitled to the license at the time it was issued;
 - (2) made a material misrepresentation or failed to disclose a material fact in an application submitted under this subchapter;
 - (3) subsequently becomes ineligible for a license under Section 411.172, unless the sole basis for the ineligibility is that the license holder is charged with the commission of a Class A or Class B misdemeanor or equivalent offense, or of an offense under Section 42.01, Penal Code, or equivalent offense, or of a felony under an information or indictment;
 - (4) [is convicted of an offense under Section 46.035, Penal Code;
 - [(5)] is determined by the department to have engaged in conduct constituting a reason to suspend a license listed in Section 411.187(a) after the person's license has been previously suspended twice for the same reason; or
 - (5) [(6)] submits an application fee that is dishonored or reversed if the applicant fails to submit a cashier's check or money order made payable to the "Department of Public Safety of the State of Texas" in the amount of the dishonored or reversed fee, plus \$25, within 30 days of being notified by the department that the fee was dishonored or reversed.
- (c) A license holder whose license is revoked for a reason listed in Subsections (a)(1)-(4) [(a)(1)-(5)] may reapply as a new applicant for the issuance of a license under this subchapter after the second anniversary of the date of the revocation if the cause for revocation does not exist on the date of the second anniversary. If the cause for revocation exists on the date of the second anniversary after the date of revocation, the license holder may not apply for a new license until the cause for revocation no longer exists and has not existed for a period of two years.
- (d) A license holder whose license is revoked under Subsection (a)(5) [(a)(6)] may reapply for an original or renewed license at any time, provided the application fee and a dishonored payment charge of \$25 is paid by cashier's check or money order made payable to the "Texas Department of Public Safety."

SECTION 9. Section 411.203, Government Code, is amended to read as follows:

Sec. 411.203. **RIGHTS OF EMPLOYERS.** This subchapter does not prevent or otherwise limit the right of a public or private employer to prohibit persons who are licensed under this subchapter from carrying a handgun on the premises of the business. In this section, "premises" has the meaning assigned by Section 46.03 [46.035(f)(3)], Penal Code.

SECTION 10. Section 411.2031(a)(3), Government Code, is amended to read as follows:

- (3) "Premises" has the meaning assigned by Section 46.03 [46.035], Penal Code.

SECTION 11. Sections 411.209(a) and (j), Government Code, are amended to read as follows:

(a) Except as provided by Subsection (i), a state agency or a political subdivision of the state may not take any action, including an action consisting of the provision of notice by a communication described by Section 30.06 or 30.07, Penal Code, that states or implies that a license holder who is carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03 [or 46.035], Penal Code, or other law.

(j) In this section, “premises” has the meaning assigned by Section 46.03 [46.035], Penal Code.

SECTION 12. Section 552.002(a)(1), Health and Safety Code, is amended to read as follows:

(1) “License holder” has the meaning assigned by Section 46.03 [46.035(f)], Penal Code.

SECTION 13. Section 773.0145(a), Health and Safety Code, is amended to read as follows:

(a) This section applies to:

- (1) an amusement park, as defined by Section 46.03 [46.035], Penal Code;
- (2) a child-care facility, as defined by Section 42.002, Human Resources Code;
- (3) a day camp or youth camp, as defined by Section 141.002;
- (4) a private or independent institution of higher education, as defined by Section 61.003, Education Code;
- (5) a restaurant, as defined by Section 17.821, Business & Commerce Code;
- (6) a sports venue, as defined by Section 504.151, Local Government Code;
- (7) a youth center, as defined by Section 481.134; or
- (8) subject to Subsection (b), any other entity that the executive commissioner by rule designates as an entity that would benefit from the possession and administration of epinephrine auto-injectors.

SECTION 14. Section 42.042(e-2), Human Resources Code, is amended to read as follows:

(e-2) The department may not prohibit the foster parent of a child who resides in the foster family’s home from transporting the child in a vehicle where a handgun is present if the handgun is in the possession and control of the foster parent and the foster parent is not otherwise prohibited by law from carrying a handgun [licensed to carry the handgun under Subchapter H, Chapter 411, Government Code].

SECTION 15. Section 52.062(b), Labor Code, is amended to read as follows:

(b) Section 52.061 does not prohibit an employer from prohibiting an employee who holds a license to carry a handgun under Subchapter H, Chapter 411, Government Code, or who

otherwise lawfully possesses a firearm, from possessing a firearm the employee is otherwise authorized by law to possess on the premises of the employer's business. In this subsection, "premises" has the meaning assigned by Section 46.03 [46.035(f)(3)], Penal Code.

SECTION 16. Section 229.001(b), Local Government Code, is amended to read as follows:

(b) Subsection (a) does not affect the authority a municipality has under another law to:

(1) require residents or public employees to be armed for personal or national defense, law enforcement, or another lawful purpose;

(2) regulate the discharge of firearms or air guns within the limits of the municipality, other than at a sport shooting range;

(3) except as provided by Subsection (b-1), adopt or enforce a generally applicable zoning ordinance, land use regulation, fire code, or business ordinance;

(4) regulate the use of firearms, air guns, or knives in the case of an insurrection, riot, or natural disaster if the municipality finds the regulations necessary to protect public health and safety;

(5) regulate the storage or transportation of explosives to protect public health and safety, except that 25 pounds or less of black powder for each private residence and 50 pounds or less of black powder for each retail dealer are not subject to regulation;

(6) regulate the carrying of an air gun or [a] firearm, [or air gun by a person] other than a [person licensed to carry a] handgun carried by a person not otherwise prohibited by law from carrying a handgun [under Subchapter H, Chapter 411, Government Code], at a:

(A) public park;

(B) public meeting of a municipality, county, or other governmental body;

(C) political rally, parade, or official political meeting; or

(D) nonfirearms-related school, college, or professional athletic event;

(7) regulate the carrying of a firearm by a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code, in accordance with Section 411.209, Government Code;

(8) regulate the hours of operation of a sport shooting range, except that the hours of operation may not be more limited than the least limited hours of operation of any other business in the municipality other than a business permitted or licensed to sell or serve alcoholic beverages for on-premises consumption;

(9) regulate the carrying of an air gun by a minor on:

(A) public property; or

(B) private property without consent of the property owner; or

(10) except as provided by Subsection (d-1), regulate or prohibit an employee's carrying or possession of a firearm, firearm accessory, or ammunition in the course of the employee's official duties.

SECTION 17. Section 30.05, Penal Code, is amended by adding Subsections (c) and (d-3) and amending Subsections (d) and (f) to read as follows:

(c) A person may provide notice that firearms are prohibited on the property by posting a sign at each entrance to the property that:

(1) includes language that is identical to or substantially similar to the following: “Pursuant to Section 30.05, Penal Code (criminal trespass), a person may not enter this property with a firearm”;

(2) includes the language described by Subdivision (1) in both English and Spanish;

(3) appears in contrasting colors with block letters at least one inch in height; and

(4) is displayed in a conspicuous manner clearly visible to the public.

(d) Subject to Subsection (d-3), an [An] offense under this section is:

(1) a Class B misdemeanor, except as provided by Subdivisions (2) and (3);

(2) a Class C misdemeanor, except as provided by Subdivision (3), if the offense is committed:

(A) on agricultural land and within 100 feet of the boundary of the land; or

(B) on residential land and within 100 feet of a protected freshwater area; and

(3) a Class A misdemeanor if:

(A) the offense is committed:

(i) in a habitation or a shelter center;

(ii) on a Superfund site; or

(iii) on or in a critical infrastructure facility;

(B) the offense is committed on or in property of an institution of higher education and it is shown on the trial of the offense that the person has previously been convicted of:

(i) an offense under this section relating to entering or remaining on or in property of an institution of higher education; or

(ii) an offense under Section 51.204(b)(1), Education Code, relating to trespassing on the grounds of an institution of higher education; or

(C) the person carries a deadly weapon during the commission of the offense.

(d-3) An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$200 if the person enters the property, land, or building with a firearm or other weapon and the sole basis on which entry on the property or land or in the building was forbidden is that entry with a firearm or other weapon was forbidden, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, land, or building with the firearm or other weapon, the actor:

(1) personally received from the owner of the property or another person with apparent authority to act for the owner notice that entry with a firearm or other weapon was forbidden, as given through:

(A) notice under Subsection (b)(2)(A), including oral or written communication; or

(B) if the actor is unable to reasonably understand the notice described by Paragraph (A), other personal notice that is reasonable under the circumstances; and

(2) subsequently failed to depart.

(f) It is a defense to prosecution under this section that:

(1) the basis on which entry on the property or land or in the building was forbidden is that entry with a handgun was forbidden; and

- (2) the person was carrying:
 - (A) a license issued under Subchapter H, Chapter 411, Government Code, to carry a handgun; and
 - (B) a handgun:
 - (i) in a concealed manner; or
 - (ii) in a [shoulder or belt] holster.

SECTION 18. Section 30.06(c)(2), Penal Code, is amended to read as follows:

- (2) “License holder” has the meaning assigned by Section 46.03 [46.035(f)].

SECTION 19. Section 30.06(e), Penal Code, is amended to read as follows:

(e) It is an exception to the application of this section that the property on which the license holder carries a handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Section 46.03 [or 46.035].

SECTION 20. Section 30.07(c)(2), Penal Code, is amended to read as follows:

- (2) “License holder” has the meaning assigned by Section 46.03 [46.035(f)].

SECTION 21. Sections 30.07(e) and (f), Penal Code, are amended to read as follows:

(e) It is an exception to the application of this section that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Section 46.03 [or 46.035].

(f) It is not a defense to prosecution under this section that the handgun was carried in a [shoulder or belt] holster.

SECTION 22. Section 46.02, Penal Code, is amended by amending Subsections (a), (a-1), and (b) and adding Subsections (a-5), (a-6), (a-7), (a-8), and (e) to read as follows:

- (a) A person commits an offense if the person:
 - (1) intentionally, knowingly, or recklessly carries on or about his or her person a handgun; [and]
 - (2) at the time of the offense:
 - (A) is younger than 21 years of age; or
 - (B) has been convicted of an offense under Section 22.01(a)(1), 22.05, 22.07, or 42.01(a)(7) or (8) committed in the five-year period preceding the date the instant offense was committed; and
 - (3) is not:
 - (A) on the person’s own premises or premises under the person’s control; or
 - (B) inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person’s control.

(a-1) A person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun in a motor vehicle or watercraft that is owned by the person or under the person’s control at any time in which:

(1) the handgun is in plain view, unless the person is **21 years of age or older** or is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code, and the handgun is carried in a [shoulder or belt] holster; or

(2) the person is:

(A) engaged in criminal activity, other than a Class C misdemeanor that is a violation of a law or ordinance regulating traffic or boating; or

(B) prohibited by law from possessing a firearm[]; or

[(C) a member of a criminal street gang, as defined by Section 71.01].

(a-5) A person commits an offense if the person carries a handgun and intentionally displays the handgun in plain view of another person in a public place. It is an exception to the application of this subsection that the handgun was partially or wholly visible but was carried in a holster.

(a-6) A person commits an offense if the person:

(1) carries a handgun while the person is intoxicated; and

(2) is not:

(A) on the person's own property or property under the person's control or on private property with the consent of the owner of the property; or

(B) inside of or directly en route to a motor vehicle or watercraft:

(i) that is owned by the person or under the person's control; or

(ii) with the consent of the owner or operator of the vehicle or watercraft.

(a-7) A person commits an offense if the person:

(1) intentionally, knowingly, or recklessly carries on or about his or her person a handgun;

(2) is not:

(A) on the person's own premises or premises under the person's control; or

(B) inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control; and

(3) at the time of the offense, was prohibited from possessing a firearm under Section 46.04(a), (b), or (c).

(a-8) If conduct constituting an offense under Subsection (a-7) constitutes an offense under another provision of law, the actor may be prosecuted under Subsection (a-7) or under both provisions.

(b) Except as provided by Subsection [(c) or] (d) or (e), an offense under this section is a Class A misdemeanor.

(e) An offense under Subsection (a-7) is:

(1) a felony of the second degree with a minimum term of imprisonment of five years, if the actor was prohibited from possessing a firearm under Section 46.04(a); or

(2) a felony of the third degree, if the actor was prohibited from possessing a firearm under Section 46.04(b) or (c).

SECTION 23. Section 46.03, Penal Code, is amended by amending Subsections (a), (c), (e-1), (e-2), and (g) and adding Subsections (a-2), (a-3), (a-4), and (g-2) to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted 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, 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;

(7) on the premises of a business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, if the business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption, as determined by the Texas Alcoholic Beverage Commission under Section 104.06, Alcoholic Beverage Code;

(8) on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the person is a participant in the event and a firearm, location-restricted knife, club, or prohibited weapon listed in Section 46.05(a) is used in the event;

(9) on the premises of a correctional facility;

(10) on the premises of a civil commitment facility;

(11) on the premises of a hospital licensed under Chapter 241, Health and Safety Code, or on the premises of a nursing facility licensed under Chapter 242, Health and Safety Code, unless the person has written authorization of the hospital or nursing facility administration, as appropriate;

(12) on the premises of a mental hospital, as defined by Section 571.003, Health and Safety Code, unless the person has written authorization of the mental hospital administration;

(13) in an amusement park; or

(14) in the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to Chapter 551, Government Code, and if the entity provided notice as required by that chapter.

(a-2) Notwithstanding Section 46.02(a-5), 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.

(a-3) Notwithstanding Subsection (a) or Section 46.02(a-5), 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.

(a-4) Notwithstanding Subsection (a) or Section 46.02(a-5), 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.

(c) In this section:

(1) "Amusement park" means a permanent indoor or outdoor facility or park where amusement rides are available for use by the public that is located in a county with a population of more than one million, encompasses at least 75 acres in surface area, is enclosed with access only through controlled entries, is open for operation more than 120 days in each calendar year, and has security guards on the premises at all times. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.

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

(3) "License holder" means a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code.

(4) "Premises" means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.

(5) [(2) "Amusement park" and "premises" have the meanings assigned by Section 46.035.

[(3)] "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.

(e-1) It is a defense to prosecution under Subsection (a)(5) that the actor:

(1) possessed, at the screening checkpoint for the secured area, a [concealed] handgun that the actor was licensed to carry under Subchapter H, Chapter 411, Government Code; and

(2) exited the screening checkpoint for the secured area immediately upon completion of the required screening processes and notification that the actor possessed the handgun.

(e-2) A peace officer investigating conduct that may constitute an offense under Subsection (a)(5) and that consists only of an actor's possession of a [concealed] handgun that the actor is licensed to carry under Subchapter H, Chapter 411, Government Code, may not arrest the actor for the offense unless:

(1) the officer advises the actor of the defense available under Subsection (e-1) and gives the actor an opportunity to exit the screening checkpoint for the secured area; and

(2) the actor does not immediately exit the checkpoint upon completion of the required screening processes.

(g) Except as provided by Subsections [Subsection] (g-1) and (g-2), an offense under this section is a felony of the third degree.

(g-2) An offense committed under Subsection (a)(8), (a)(10), (a)(11), (a)(13), (a-2), (a-3), or (a-4) is a Class A misdemeanor.

SECTION 24. Section 46.04, Penal Code, is amended by adding Subsection (a-1) and amending Subsection (e) to read as follows:

(a-1) A person who is a member of a criminal street gang, as defined by Section 71.01, commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun in a motor vehicle or watercraft.

(e) An offense under Subsection (a) is a felony of the third degree. An offense under Subsection (a-1), (b), or (c) is a Class A misdemeanor.

SECTION 25. Section 46.15, Penal Code, is amended by amending Subsections (b), (j), and (l) and adding Subsections (m), (n), (o), (p), and (q) to read as follows:

(b) Sections [Section] 46.02, 46.03(a)(14), and 46.04(a-1) do [does] not apply to a person who:

(1) is in the actual discharge of official duties as a member of the armed forces or state military forces as defined by Section 437.001, Government Code, or as a guard employed by a penal institution;

(2) is traveling;

(3) is engaging in lawful hunting, fishing, or other sporting activity on the immediate premises where the activity is conducted, or is en route between the premises and the actor's residence, motor vehicle, or watercraft, if the weapon is a type commonly used in the activity;

(4) holds a security officer commission issued by the Texas Private Security Board, if the person is engaged in the performance of the person's duties as an officer commissioned under Chapter 1702, Occupations Code, or is traveling to or from the person's place of assignment and is wearing the officer's uniform and carrying the officer's weapon in plain view;

(5) acts as a personal protection officer and carries the person's security officer commission and personal protection officer authorization, if the person:

(A) is engaged in the performance of the person's duties as a personal protection officer under Chapter 1702, Occupations Code, or is traveling to or from the person's place of assignment; and

(B) is either:

(i) wearing the uniform of a security officer, including any uniform or apparel described by Section 1702.323(d), Occupations Code, and carrying the officer's weapon in plain view; or

(ii) not wearing the uniform of a security officer and carrying the officer's weapon in a concealed manner;

(6) is carrying:

(A) a license issued under Subchapter H, Chapter 411, Government Code, to carry a handgun; and

(B) a handgun:

(i) in a concealed manner; or

(ii) in a [shoulder or belt] holster;

(7) holds an alcoholic beverage permit or license or is an employee of a holder of an alcoholic beverage permit or license if the person is supervising the operation of the permitted or licensed premises; or

(8) is a student in a law enforcement class engaging in an activity required as part of the class, if the weapon is a type commonly used in the activity and the person is:

(A) on the immediate premises where the activity is conducted; or

(B) en route between those premises and the person's residence and is carrying the weapon unloaded.

(j) The provisions of Sections [Section] 46.02 and 46.03(a)(7), (a-2), (a-3), and (a-4) [prohibiting the carrying of a handgun] do not apply to an individual who carries a handgun as a participant in a historical reenactment performed in accordance with the rules of the Texas Alcoholic Beverage Commission.

(l) Sections 46.02 and[,], 46.03(a)(1), (a)(2), (a)(3), and (a)(4)[, and 46.035(a), (a-1), (a-2), (a-3), (b)(1), (b)(5), and (b)(6)] do not apply to a person who carries a handgun if:

(1) the person carries the handgun on the premises, as defined by the statute providing the applicable offense, of a location operating as an emergency shelter during a state of disaster declared under Section 418.014, Government Code, or a local state of disaster declared under Section 418.108, Government Code;

(2) the owner, controller, or operator of the premises or a person acting with the apparent authority of the owner, controller, or operator, authorized the carrying of the handgun;

(3) the person carrying the handgun complies with any rules and regulations of the owner, controller, or operator of the premises that govern the carrying of a handgun on the premises; and

(4) the person is not prohibited by state or federal law from possessing a firearm.

(m) It is a defense to prosecution under Section 46.03 that the actor:

(1) carries a handgun on a premises or other property on which the carrying of a weapon is prohibited under that section;

(2) personally received from the owner of the property, or from another person with apparent authority to act for the owner, notice that carrying a firearm or other weapon on the premises or other property, as applicable, was prohibited; and

(3) promptly departed from the premises or other property.

- (n) The defense provided by Subsection (m) does not apply if:
 - (1) a sign described by Subsection (o) was posted prominently at each entrance to the premises or other property, as applicable; or
 - (2) at the time of the offense, the actor knew that carrying a firearm or other weapon on the premises or other property was prohibited.
- (o) A person may provide notice that firearms and other weapons are prohibited under Section 46.03 on the premises or other property, as applicable, by posting a sign at each entrance to the premises or other property that:
 - (1) includes language that is identical to or substantially similar to the following: “Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon on this property”;
 - (2) includes the language described by Subdivision (1) in both English and Spanish;
 - (3) appears in contrasting colors with block letters at least one inch in height; and
 - (4) is displayed in a conspicuous manner clearly visible to the public.
- (p) Sections 46.03(a)(7), (11), and (13) do not apply if the actor:
 - (1) carries a handgun on the premises or other property, as applicable;
 - (2) holds a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code; and
 - (3) was not given effective notice under Section 30.06 or 30.07 of this code or Section 411.204, Government Code, as applicable.
- (q) Section 46.03(a)(8) does not apply if the actor:
 - (1) carries a handgun on a premises where a collegiate sporting event is taking place;
 - (2) holds a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code; and
 - (3) was not given effective notice under Section 30.06 or 30.07 of this code, as applicable.

SECTION 26. The following provisions are repealed:

- (1) Section 11.041, Alcoholic Beverage Code;
- (2) Section 11.61(e), Alcoholic Beverage Code;
- (3) Section 61.11, Alcoholic Beverage Code;
- (4) Section 61.71(f), Alcoholic Beverage Code;
- (5) Section 411.198(b), Government Code;
- (6) Section 411.204(d), Government Code;
- (7) Section 411.206(c), Government Code;
- (8) Section 46.02(c), Penal Code;
- (9) Section 46.03(a-1), Penal Code; and
- (10) Section 46.035, Penal Code.

SECTION 27. Notwithstanding Section 411.02096, Government Code, as added by this Act, the Department of Public Safety is not required to submit the initial report required by that section before February 1, 2023.

SECTION 28. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act.

An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 29. **This Act takes effect September 1, 2021.**

President of the Senate

Speaker of the House

I certify that H.B. No. 1927 was passed by the House on April 16, 2021, by the following vote: Yeas 87, Nays 58, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1927 on May 12, 2021, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1927 on May 23, 2021, by the following vote: Yeas 82, Nays 62, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1927 was passed by the Senate, with amendments, on May 5, 2021, by the following vote: Yeas 18, Nays 13; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1927 on May 24, 2021, by the following vote: Yeas 17, Nays 13.

Secretary of the Senate

APPROVED: _____

Date

Governor