

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

1 Code, punishable as a Class A misdemeanor and involving a member of
2 the person's family or household, certain persons who are the
3 subject of a protective order under Section 46.04(c), Penal Code,
4 and persons meeting any of the criteria listed in 18 U.S.C. Section
5 922(g), including persons adjudicated to be mentally incompetent.

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

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

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

26 (3) For purposes of this subsection, "law enforcement
27 facility" and "nonpublic, secure portion of a law enforcement

1 facility" have the meanings assigned by Section 411.207, Government
2 Code.

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

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

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

11 (A) acquitted by the trial court, except as
12 provided by Subsection (c); ~~or~~

13 (B) convicted and subsequently:

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

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

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

24 (2) the person has been released and the charge, if
25 any, has not resulted in a final conviction and is no longer pending
26 and there was no court-ordered community supervision under Chapter
27 42A for the offense, unless the offense is a Class C misdemeanor,

1 provided that:

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

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

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

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

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

26 (d) the attorney representing the
27 state certifies that the applicable arrest records and files are

1 not needed for use in any criminal investigation or prosecution,
2 including an investigation or prosecution of another person; or

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

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

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

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

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

22 (e) the indictment or information was
23 void; or

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

27 SECTION 5. Section 2(a), Article 55.02, Code of Criminal

1 Procedure, is amended to read as follows:

2 (a) A person who is entitled to expunction of records and
3 files under Article 55.01(a)(1)(A), 55.01(a)(1)(B)(i),
4 55.01(a)(1)(C), or 55.01(a)(2) or a person who is eligible for
5 expunction of records and files under Article 55.01(b) may file an
6 ex parte petition for expunction in a district court for the county
7 in which:

- 8 (1) the petitioner was arrested; or
9 (2) the offense was alleged to have occurred.

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

12 (b) This section does not authorize a person to possess,
13 transport, or store a handgun, a firearm, or ammunition in
14 violation of Section 37.125 of this code, Section 46.03 [~~ex~~
15 46.035], Penal Code, or other law.

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

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

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

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

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

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

11 (d) This section expires September 1, 2028.

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

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

18 (a) The department shall revoke a license under this section
19 if the license holder:

20 (1) was not entitled to the license at the time it was
21 issued;

22 (2) made a material misrepresentation or failed to
23 disclose a material fact in an application submitted under this
24 subchapter;

25 (3) subsequently becomes ineligible for a license
26 under Section [411.172](#), unless the sole basis for the ineligibility
27 is that the license holder is charged with the commission of a Class

1 A or Class B misdemeanor or equivalent offense, or of an offense
2 under Section 42.01, Penal Code, or equivalent offense, or of a
3 felony under an information or indictment;

4 (4) [~~is convicted of an offense under Section 46.035,~~
5 ~~Penal Code,~~

6 [~~5~~] is determined by the department to have engaged
7 in conduct constituting a reason to suspend a license listed in
8 Section 411.187(a) after the person's license has been previously
9 suspended twice for the same reason; or

10 (5) [~~6~~] submits an application fee that is
11 dishonored or reversed if the applicant fails to submit a cashier's
12 check or money order made payable to the "Department of Public
13 Safety of the State of Texas" in the amount of the dishonored or
14 reversed fee, plus \$25, within 30 days of being notified by the
15 department that the fee was dishonored or reversed.

16 (c) A license holder whose license is revoked for a reason
17 listed in Subsections (a)(1)-(4) [~~(a)(1)-(5)~~] may reapply as a new
18 applicant for the issuance of a license under this subchapter after
19 the second anniversary of the date of the revocation if the cause
20 for revocation does not exist on the date of the second anniversary.
21 If the cause for revocation exists on the date of the second
22 anniversary after the date of revocation, the license holder may
23 not apply for a new license until the cause for revocation no longer
24 exists and has not existed for a period of two years.

25 (d) A license holder whose license is revoked under
26 Subsection (a)(5) [~~(a)(6)~~] may reapply for an original or renewed
27 license at any time, provided the application fee and a dishonored

1 payment charge of \$25 is paid by cashier's check or money order made
2 payable to the "Texas Department of Public Safety."

3 SECTION 9. Section [411.203](#), Government Code, is amended to
4 read as follows:

5 Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does
6 not prevent or otherwise limit the right of a public or private
7 employer to prohibit persons who are licensed under this subchapter
8 from carrying a handgun on the premises of the business. In this
9 section, "premises" has the meaning assigned by Section [46.03](#)
10 [~~46.035(f)(3)~~], Penal Code.

11 SECTION 10. Section [411.2031\(a\)\(3\)](#), Government Code, is
12 amended to read as follows:

13 (3) "Premises" has the meaning assigned by Section
14 [46.03](#) [~~46.035~~], Penal Code.

15 SECTION 11. Sections [411.209\(a\)](#) and (j), Government Code,
16 are amended to read as follows:

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

27 (j) In this section, "premises" has the meaning assigned by

1 Section [46.03](#) [~~46.035~~], Penal Code.

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

4 (1) "License holder" has the meaning assigned by
5 Section [46.03](#) [~~46.035(f)~~], Penal Code.

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

8 (a) This section applies to:

9 (1) an amusement park, as defined by Section [46.03](#)
10 [~~46.035~~], Penal Code;

11 (2) a child-care facility, as defined by Section
12 [42.002](#), Human Resources Code;

13 (3) a day camp or youth camp, as defined by Section
14 [141.002](#);

15 (4) a private or independent institution of higher
16 education, as defined by Section [61.003](#), Education Code;

17 (5) a restaurant, as defined by Section [17.821](#),
18 Business & Commerce Code;

19 (6) a sports venue, as defined by Section [504.151](#),
20 Local Government Code;

21 (7) a youth center, as defined by Section [481.134](#); or

22 (8) subject to Subsection (b), any other entity that
23 the executive commissioner by rule designates as an entity that
24 would benefit from the possession and administration of epinephrine
25 auto-injectors.

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

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

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

10 (b) Section 52.061 does not prohibit an employer from
11 prohibiting an employee who holds a license to carry a handgun under
12 Subchapter H, Chapter 411, Government Code, or who otherwise
13 lawfully possesses a firearm, from possessing a firearm the
14 employee is otherwise authorized by law to possess on the premises
15 of the employer's business. In this subsection, "premises" has the
16 meaning assigned by Section 46.03 [~~46.035(f)(3)~~], Penal Code.

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

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

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

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

27 (3) except as provided by Subsection (b-1), adopt or

1 enforce a generally applicable zoning ordinance, land use
2 regulation, fire code, or business ordinance;

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

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

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

17 (A) public park;

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

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

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

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

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

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

8 (A) public property; or

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

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

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

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

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

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

27 (3) appears in contrasting colors with block letters

1 at least one inch in height; and

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

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

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

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

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

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

14 (3) a Class A misdemeanor if:

15 (A) the offense is committed:

16 (i) in a habitation or a shelter center;

17 (ii) on a Superfund site; or

18 (iii) on or in a critical infrastructure
19 facility;

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

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

26 (ii) an offense under Section 51.204(b)(1),
27 Education Code, relating to trespassing on the grounds of an

1 institution of higher education; or

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

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

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

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

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

21 (2) subsequently failed to depart.

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

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

26 (2) the person was carrying:

27 (A) a license issued under Subchapter H, Chapter

1 411, Government Code, to carry a handgun; and

2 (B) a handgun:

3 (i) in a concealed manner; or

4 (ii) in a [~~shoulder or belt~~] holster.

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

7 (2) "License holder" has the meaning assigned by
8 Section 46.03 [~~46.035(f)~~].

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

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

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

18 (2) "License holder" has the meaning assigned by
19 Section 46.03 [~~46.035(f)~~].

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

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

27 (f) It is not a defense to prosecution under this section

1 that the handgun was carried in a [~~shoulder or belt~~] holster.

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

5 (a) A person commits an offense if the person:

6 (1) intentionally, knowingly, or recklessly carries
7 on or about his or her person a handgun; [~~and~~]

8 (2) at the time of the offense:

9 (A) is younger than 21 years of age; or

10 (B) has been convicted of an offense under
11 Section 22.01(a)(1), 22.05, 22.07, or 42.01(a)(7) or (8) committed
12 in the five-year period preceding the date the instant offense was
13 committed; and

14 (3) is not:

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

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

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

24 (1) the handgun is in plain view, unless the person is
25 21 years of age or older or is licensed to carry a handgun under
26 Subchapter H, Chapter 411, Government Code, and the handgun is
27 carried in a [~~shoulder or belt~~] holster; or

1 (2) the person is:

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

5 (B) prohibited by law from possessing a firearm[+
6 ~~or~~

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

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

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

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

17 (2) is not:

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

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

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

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

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

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

3 (2) is not:

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

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

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

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

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

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

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

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

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

26 (a) A person commits an offense if the person intentionally,
27 knowingly, or recklessly possesses or goes with a firearm,

1 location-restricted knife, club, or prohibited weapon listed in
2 Section 46.05(a):

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

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

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

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

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

24 (4) on the premises of a racetrack;

25 (5) in or into a secured area of an airport; [~~or~~]

26 (6) within 1,000 feet of premises the location of
27 which is designated by the Texas Department of Criminal Justice as a

1 place of execution under Article 43.19, Code of Criminal Procedure,
2 on a day that a sentence of death is set to be imposed on the
3 designated premises and the person received notice that:

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

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

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

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

19 (9) on the premises of a correctional facility;

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

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

26 (12) on the premises of a mental hospital, as defined
27 by Section 571.003, Health and Safety Code, unless the person has

1 written authorization of the mental hospital administration;
2 (13) in an amusement park; or
3 (14) in the room or rooms where a meeting of a
4 governmental entity is held, if the meeting is an open meeting
5 subject to Chapter 551, Government Code, and if the entity provided
6 notice as required by that chapter.

7 (a-2) Notwithstanding Section 46.02(a-5), a license holder
8 commits an offense if the license holder carries a partially or
9 wholly visible handgun, regardless of whether the handgun is
10 holstered, on or about the license holder's person under the
11 authority of Subchapter H, Chapter 411, Government Code, and
12 intentionally or knowingly displays the handgun in plain view of
13 another person:

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

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

21 (a-3) Notwithstanding Subsection (a) or Section 46.02(a-5),
22 a license holder commits an offense if the license holder carries a
23 handgun on the campus of a private or independent institution of
24 higher education in this state that has established rules,
25 regulations, or other provisions prohibiting license holders from
26 carrying handguns pursuant to Section 411.2031(e), Government
27 Code, or on the grounds or building on which an activity sponsored

1 by such an institution is being conducted, or in a passenger
2 transportation vehicle of such an institution, regardless of
3 whether the handgun is concealed, provided the institution gives
4 effective notice under Section 30.06.

5 (a-4) Notwithstanding Subsection (a) or Section 46.02(a-5),
6 a license holder commits an offense if the license holder
7 intentionally carries a concealed handgun on a portion of a
8 premises located on the campus of an institution of higher
9 education in this state on which the carrying of a concealed handgun
10 is prohibited by rules, regulations, or other provisions
11 established under Section 411.2031(d-1), Government Code, provided
12 the institution gives effective notice under Section 30.06 with
13 respect to that portion.

14 (c) In this section:

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

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

27 (3) "License holder" means a person licensed to carry

1 a handgun under Subchapter H, Chapter 411, Government Code.

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

6 (5) [~~(2)~~ "Amusement park" and "premises" have the
7 meanings assigned by Section 46.035.

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

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

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

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

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

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

27 (2) the actor does not immediately exit the checkpoint

1 upon completion of the required screening processes.

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

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

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

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

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

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

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

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

26 (2) is traveling;

27 (3) is engaging in lawful hunting, fishing, or other

1 sporting activity on the immediate premises where the activity is
2 conducted, or is en route between the premises and the actor's
3 residence, motor vehicle, or watercraft, if the weapon is a type
4 commonly used in the activity;

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

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

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

18 (B) is either:

19 (i) wearing the uniform of a security
20 officer, including any uniform or apparel described by Section
21 1702.323(d), Occupations Code, and carrying the officer's weapon in
22 plain view; or

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

25 (6) is carrying:

26 (A) a license issued under Subchapter H, Chapter
27 411, Government Code, to carry a handgun; and

1 (B) a handgun:

2 (i) in a concealed manner; or

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

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

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

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

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

15 (j) The provisions of Sections [~~Section~~] 46.02 and
16 46.03(a)(7), (a-2), (a-3), and (a-4) [~~prohibiting the carrying of a~~
17 ~~handgun~~] do not apply to an individual who carries a handgun as a
18 participant in a historical reenactment performed in accordance
19 with the rules of the Texas Alcoholic Beverage Commission.

20 (l) Sections 46.02 and [~~7~~] 46.03(a)(1), (a)(2), (a)(3), and
21 (a)(4) [~~and 46.035(a), (a-1), (a-2), (a-3), (b)(1), (b)(5), and~~
22 ~~(b)(6)~~] do not apply to a person who carries a handgun if:

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

1 Code;

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

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

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

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

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

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

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

20 (n) The defense provided by Subsection (m) does not apply
21 if:

22 (1) a sign described by Subsection (o) was posted
23 prominently at each entrance to the premises or other property, as
24 applicable; or

25 (2) at the time of the offense, the actor knew that
26 carrying a firearm or other weapon on the premises or other property
27 was prohibited.

1 (o) A person may provide notice that firearms and other
2 weapons are prohibited under Section 46.03 on the premises or other
3 property, as applicable, by posting a sign at each entrance to the
4 premises or other property that:

5 (1) includes language that is identical to or
6 substantially similar to the following: "Pursuant to Section 46.03,
7 Penal Code (places weapons prohibited), a person may not carry a
8 firearm or other weapon on this property";

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

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

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

15 (p) Sections 46.03(a)(7), (11), and (13) do not apply if the
16 actor:

17 (1) carries a handgun on the premises or other
18 property, as applicable;

19 (2) holds a license to carry a handgun issued under
20 Subchapter H, Chapter 411, Government Code; and

21 (3) was not given effective notice under Section 30.06
22 or 30.07 of this code or Section 411.204, Government Code, as
23 applicable.

24 (q) Section 46.03(a)(8) does not apply if the actor:

25 (1) carries a handgun on a premises where a collegiate
26 sporting event is taking place;

27 (2) holds a license to carry a handgun issued under

1 Subchapter H, Chapter 411, Government Code; and
2 (3) was not given effective notice under Section 30.06
3 or 30.07 of this code, as applicable.

4 SECTION 26. The following provisions are repealed:

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

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

19 SECTION 28. The changes in law made by this Act apply only
20 to an offense committed on or after the effective date of this Act.
21 An offense committed before the effective date of this Act is
22 governed by the law in effect on the date the offense was committed,
23 and the former law is continued in effect for that purpose. For
24 purposes of this section, an offense was committed before the
25 effective date of this Act if any element of the offense occurred
26 before that date.

27 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

H.B. No. 1927

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