

By: Stickland

H.B. No. 375

A BILL TO BE ENTITLED

AN ACT

relating to providing for the carrying of handguns without a license and to related offenses and penalties.

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

SECTION 1. This Act shall be known as the Texas Constitutional Carry Act of 2017.

SECTION 2. Section 46.02, Penal Code, is amended by amending Subsection (a) to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person an ~~[handgun]~~ illegal knife~~[r]~~ or club if the person is not:

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

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

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

(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 not otherwise prohibited by law from possessing ~~[licensed to carry under Subchapter H, Chapter 411, Government Code]~~; and

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

4           (e-2) A peace officer investigating conduct that may  
5 constitute an offense under Subsection (a)(5) and that consists  
6 only of an actor's possession of a concealed handgun that the actor  
7 was not otherwise prohibited by law from possessing [~~is licensed to~~  
8 ~~carry under Subchapter H, Chapter 411, Government Code~~], may not  
9 arrest the actor for the offense unless:

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

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

15           SECTION 4. The heading to Section 46.035, Penal Code, is  
16 amended to read as follows:

17           Sec. 46.035. UNLAWFUL CARRYING OF HANDGUN [~~BY LICENSE~~  
18 ~~HOLDER~~].

19           SECTION 5. Section 46.035, Penal Code, is amended by  
20 amending Subsections (a), (a-1), (a-2), (a-3), (b), and (f) to read  
21 as follows:

22           (a) A person [~~license holder~~] commits an offense if the  
23 person [~~license holder~~] carries a handgun on or about his or her  
24 [~~the license holder's~~] person [~~under the authority of Subchapter H,~~  
25 ~~Chapter 411, Government Code,~~] and intentionally displays the  
26 handgun in plain view of another person in a public place, unless [~~-~~  
27 ~~It is an exception to the application of this subsection that~~] the

1 handgun [~~was partially or wholly visible but was~~] is carried in a  
2 shoulder or belt holster [~~by the license holder~~].

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

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

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

17 (a-2) Notwithstanding Subsection (a) or Section 46.03(a), a  
18 person [~~license holder~~] commits an offense if the person [~~license~~  
19 ~~holder~~] carries a handgun on the campus of a private or independent  
20 institution of higher education in this state that has established  
21 rules, regulations, or other provisions prohibiting persons  
22 [~~license holders~~] from carrying handguns pursuant to Section  
23 411.2031(e), Government Code, or on the grounds or building on  
24 which an activity sponsored by such an institution is being  
25 conducted, or in a passenger transportation vehicle of such an  
26 institution, regardless of whether the handgun is concealed,  
27 provided the institution gives effective notice under Section

1 30.06.

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

11 (b) A person [~~license holder~~] commits an offense if the  
12 person [~~the license holder~~] intentionally, knowingly, or  
13 recklessly carries a handgun [~~under the authority of Subchapter H,~~  
14 ~~Chapter 411, Government Code, regardless of whether the handgun is~~  
15 ~~concealed or carried in a shoulder or belt holster,~~] on or about his  
16 or her [~~the license holder's~~] person:

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

23 (2) on the premises where a high school, collegiate,  
24 or professional sporting event or interscholastic event is taking  
25 place, unless the person [~~license holder~~] is a participant in the  
26 event and a handgun is used in the event;

27 (3) on the premises of a correctional facility;

1 (4) on the premises of a hospital licensed under  
2 Chapter 241, Health and Safety Code, or on the premises of a nursing  
3 facility licensed under Chapter 242, Health and Safety Code, unless  
4 the person [~~license holder~~] has written authorization of the  
5 hospital or nursing facility administration, as appropriate;

6 (5) in an amusement park; [~~or~~]

7 (6) on the premises of a church, synagogue, or other  
8 established place of religious worship; [~~or~~]

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

13 (8) while intoxicated;

14 (9) while engaged in criminal activity, other than a  
15 Class C misdemeanor; or

16 (10) while otherwise prohibited by law from possessing  
17 a firearm.

18 (f) In this section:

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

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

4 (2) "Intoxicated" has the meaning assigned by Section  
5 49.01 [~~"License holder" means a person licensed to carry a handgun~~  
6 ~~under Subchapter H, Chapter 411, Government Code~~].

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

11 SECTION 6. Section 46.035(h-1), Penal Code, as added by  
12 Chapter 1214 (H.B. 1889), Acts of the 80th Legislature, Regular  
13 Session, 2007, is reenacted and amended to read as follows:

14 (h-1) It is a defense to prosecution under Subsections  
15 (b)(1)-(7) [~~(b) and (c)~~] that the actor, at the time of the  
16 commission of the offense, was:

17 (1) an active judicial officer, as defined by Section  
18 411.201, Government Code; [~~or~~]

19 (2) a bailiff designated by the active judicial  
20 officer and engaged in escorting the officer[~~er~~];

21 (3) a judge or justice of a federal court; or

22 (4) a district attorney, assistant district attorney,  
23 criminal district attorney, assistant criminal district attorney,  
24 county attorney, or assistant county attorney.

25 SECTION 7. Section 46.035(i), Penal Code, is amended to  
26 read as follows:

27 (i) Subsections (b)(4)-(7) [~~(b)(4), (b)(5), (b)(6), and~~

1 ~~(c)~~] do not apply if the actor was not given effective notice under  
2 Section 30.06 or 30.07.

3 SECTION 8. Section 46.15(a), Penal Code, is amended to read  
4 as follows:

5 (a) Sections 46.02, ~~and 46.03~~, and 46.035(b)(1)-(7) do not  
6 apply to:

7 (1) peace officers or special investigators under  
8 Article 2.122, Code of Criminal Procedure, and neither section  
9 prohibits a peace officer or special investigator from carrying a  
10 weapon in this state, including in an establishment in this state  
11 serving the public, regardless of whether the peace officer or  
12 special investigator is engaged in the actual discharge of the  
13 officer's or investigator's duties while carrying the weapon;

14 (2) parole officers and neither section prohibits an  
15 officer from carrying a weapon in this state if the officer is:

16 (A) engaged in the actual discharge of the  
17 officer's duties while carrying the weapon; and

18 (B) in compliance with policies and procedures  
19 adopted by the Texas Department of Criminal Justice regarding the  
20 possession of a weapon by an officer while on duty;

21 (3) community supervision and corrections department  
22 officers appointed or employed under Section 76.004, Government  
23 Code, and neither section prohibits an officer from carrying a  
24 weapon in this state if the officer is:

25 (A) engaged in the actual discharge of the  
26 officer's duties while carrying the weapon; and

27 (B) authorized to carry a weapon under Section

1 76.0051, Government Code;

2 (4) an active judicial officer as defined by Section  
3 411.201, Government Code, who is licensed to carry a handgun under  
4 Subchapter H, Chapter 411, Government Code;

5 (5) an honorably retired peace officer, qualified  
6 retired law enforcement officer, federal criminal investigator, or  
7 former reserve law enforcement officer who holds a certificate of  
8 proficiency issued under Section 1701.357, Occupations Code, and is  
9 carrying a photo identification that is issued by a federal, state,  
10 or local law enforcement agency, as applicable, and that verifies  
11 that the officer is:

12 (A) an honorably retired peace officer;

13 (B) a qualified retired law enforcement officer;

14 (C) a federal criminal investigator; or

15 (D) a former reserve law enforcement officer who  
16 has served in that capacity not less than a total of 15 years with  
17 one or more state or local law enforcement agencies;

18 (6) a district attorney, criminal district attorney,  
19 county attorney, or municipal attorney who is licensed to carry a  
20 handgun under Subchapter H, Chapter 411, Government Code;

21 (7) an assistant district attorney, assistant  
22 criminal district attorney, or assistant county attorney who is  
23 licensed to carry a handgun under Subchapter H, Chapter 411,  
24 Government Code;

25 (8) a bailiff designated by an active judicial officer  
26 as defined by Section 411.201, Government Code, who is:

27 (A) licensed to carry a handgun under Subchapter



1 H, Chapter 411, Government Code; and

2 (B) engaged in escorting the judicial officer; or

3 (9) a juvenile probation officer who is authorized to  
4 carry a firearm under Section 142.006, Human Resources Code.

5 SECTION 9. Section 46.15, Penal Code, is amended by adding  
6 Subsection (k) to read as follows:

7 (k) Notwithstanding any other law to the contrary, a person  
8 who is not otherwise prohibited by law from possessing a firearm  
9 shall not be required to obtain any license to carry a handgun as a  
10 condition for carrying a handgun.

11 SECTION 10. Section 229.001(b), Local Government Code, is  
12 amended to read as follows:

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

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

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

21 (3) regulate the use of property, the location of a  
22 business, or uses at a business under the municipality's fire code,  
23 zoning ordinance, or land-use regulations as long as the code,  
24 ordinance, or regulations are not used to circumvent the intent of  
25 Subsection (a) or Subdivision (5) of this subsection;

26 (4) regulate the use of firearms, air guns, or knives  
27 in the case of an insurrection, riot, or natural disaster if the

1 municipality finds the regulations necessary to protect public  
2 health and safety;

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

8 (6) regulate the carrying of a firearm or air gun by a  
9 person other than a person licensed to carry a concealed handgun  
10 under Subchapter H, Chapter 411, Government Code, at a:

11 (A) ~~[public park,~~  
12 ~~[(B)]~~ public meeting of a municipality, county,  
13 or other governmental body; or

14 ~~[(C) political rally, parade, or official~~  
15 ~~political meeting; or~~

16 (B) ~~[(D)]~~ nonfirearms-related school, college,  
17 or professional athletic event;

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

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

25 (A) public property; or

26 (B) private property without consent of the  
27 property owner.

1 SECTION 11. Section 411.2031, Government Code, is amended  
2 to read as follows:

3 Sec. 411.2031. CARRYING OF HANDGUNS [~~BY LICENSE HOLDERS~~] ON  
4 CERTAIN CAMPUSES. (a) For purposes of this section:

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

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

11 (3) "Premises" has the meaning assigned by Section  
12 46.035, Penal Code.

13 (b) A person [~~license holder~~] may carry a concealed handgun  
14 on or about his or her [~~the license holder's~~] person while the  
15 person [~~license holder~~] is on the campus of an institution of higher  
16 education or private or independent institution of higher education  
17 in this state.

18 (c) Except as provided by Subsection (d), (d-1), or (e), an  
19 institution of higher education or private or independent  
20 institution of higher education in this state may not adopt any  
21 rule, regulation, or other provision prohibiting persons [~~license~~  
22 ~~holders~~] from carrying handguns on the campus of the institution.

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

1 on the campus of the institution.

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

21 (d-2) Not later than the 90th day after the date that the  
22 rules, regulations, or other provisions are established as  
23 described by Subsection (d-1), the board of regents or other  
24 governing board of the institution of higher education shall review  
25 the provisions. The board of regents or other governing board may,  
26 by a vote of not less than two-thirds of the board, amend wholly or  
27 partly the provisions established under Subsection (d-1). If

1 amended under this subsection, the provisions are considered to be  
2 those of the institution as established under Subsection (d-1).

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

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

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

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

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

26 SECTION 12. Section [411.2032](#), Government Code, is amended  
27 to read as follows:

1           Sec. 411.2032. TRANSPORTATION AND STORAGE OF FIREARMS AND  
2 AMMUNITION [~~BY LICENSE HOLDERS~~] IN PRIVATE VEHICLES ON CERTAIN  
3 CAMPUSES. (a) For purposes of this section:

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

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

10          (b) An institution of higher education or private or  
11 independent institution of higher education in this state may not  
12 adopt or enforce any rule, regulation, or other provision or take  
13 any other action, including posting notice under Section 30.06 or  
14 30.07, Penal Code, prohibiting or placing restrictions on the  
15 storage or transportation of a firearm or ammunition in a locked,  
16 privately owned or leased motor vehicle by a person, including a  
17 student enrolled at that institution, who [~~holds a license to carry~~  
18 ~~a handgun under this subchapter and~~] lawfully possesses the firearm  
19 or ammunition:

20           (1) on a street or driveway located on the campus of  
21 the institution; or

22           (2) in a parking lot, parking garage, or other parking  
23 area located on the campus of the institution.

24          SECTION 13. Section 411.207, Government Code, is amended by  
25 amending Subsections (a)-(c) to read as follows:

26           (a) A peace officer who is acting in the lawful discharge of  
27 the officer's official duties may disarm a person [~~license holder~~]

1 at any time the officer reasonably believes it is necessary for the  
2 protection of the person [~~license holder~~], officer, or another  
3 individual. The peace officer shall return the handgun to the  
4 person [~~license holder~~] before discharging the person [~~license~~  
5 ~~holder~~] from the scene if the officer determines that the person  
6 [~~license holder~~] is not a threat to himself or herself, the officer,  
7 [~~license holder~~], or another individual and if the person [~~license~~  
8 ~~holder~~] has not [~~violated any provision of this subchapter or~~  
9 committed any other violation that results in the arrest of the  
10 person [~~license holder~~]. The mere possession or carrying of a  
11 handgun, openly or concealed, with or without a license issued  
12 under this subchapter, shall not constitute reasonable belief for a  
13 peace officer to disarm or detain an otherwise law-abiding person.

14 (b) A peace officer who is acting in the lawful discharge of  
15 the officer's official duties may temporarily disarm a person  
16 [~~license holder~~] when a person [~~license holder~~] enters a nonpublic,  
17 secure portion of a law enforcement facility, if the law  
18 enforcement agency provides a gun locker where the peace officer  
19 can secure the person's [~~license holder's~~] handgun. The peace  
20 officer shall secure the handgun in the locker and shall return the  
21 handgun to the person [~~license holder~~] immediately after the person  
22 [~~license holder~~] leaves the nonpublic, secure portion of the law  
23 enforcement facility.

24 (c) A law enforcement facility shall prominently display at  
25 each entrance to a nonpublic, secure portion of the facility a sign  
26 that gives notice in both English and Spanish that, under this  
27 section, a peace officer may temporarily disarm a person [~~license~~

1 ~~holder]~~ when the person [~~license holder~~] enters the nonpublic,  
2 secure portion of the facility. The sign must appear in contrasting  
3 colors with block letters at least one inch in height. The sign  
4 shall be displayed in a clearly visible and conspicuous manner.

5 SECTION 14. Section 30.05(f), Penal Code, is amended to  
6 read as follows:

7 (f) It is a defense to prosecution under this section that[+  
8 [~~(1)~~] the basis on which entry on the property or land  
9 or in the building was forbidden is that entry with a handgun was  
10 forbidden[~~, and~~  
11 [~~(2) the person was carrying a concealed handgun and a~~  
12 ~~license issued under Subchapter H, Chapter 411, Government Code, to~~  
13 ~~carry a concealed handgun~~].

14 SECTION 15. Section 30.06, Penal Code, is amended to read as  
15 follows:

16 Sec. 30.06. TRESPASS BY PERSON IN POSSESSION OF A [~~LICENSE~~  
17 ~~HOLDER WITH A~~] CONCEALED HANDGUN. (a) A person [~~license holder~~]  
18 commits an offense if the person [~~license holder~~]:

19 (1) carries a concealed handgun [~~under the authority~~  
20 ~~of Subchapter H, Chapter 411, Government Code,~~] on property of  
21 another without effective consent; and

22 (2) received notice that entry on the property by a  
23 person [~~license holder~~] with a concealed handgun was forbidden.

24 (b) For purposes of this section, a person receives notice  
25 if the owner of the property or someone with apparent authority to  
26 act for the owner provides notice to the person by oral or written  
27 communication.



1 (c) In this section:

2 (1) "Entry" has the meaning assigned by Section  
3 30.05(b).

4 (2) [~~"License holder" has the meaning assigned by~~  
5 ~~Section 46.035(f).~~

6 [~~3~~] "Written communication" means:

7 (A) a card or other document on which is written  
8 language identical to the following: "Pursuant to Section 30.06,  
9 Penal Code (trespass by person in possession of [~~license holder~~  
10 ~~with~~] a concealed handgun), a person [~~licensed under Subchapter H,~~  
11 ~~Chapter 411, Government Code (handgun licensing law),~~] may not  
12 enter this property while in possession of [~~with~~] a concealed  
13 handgun"; or

14 (B) a sign posted on the property that:

15 (i) includes the language described by  
16 Paragraph (A) in both English and Spanish;

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

19 (iii) is displayed in a conspicuous manner  
20 clearly visible to the public.

21 (d) An offense under this section is a Class C misdemeanor  
22 punishable by a fine not to exceed \$200, except that the offense is  
23 a Class A misdemeanor if it is shown on the trial of the offense  
24 that, after entering the property, the person [~~license holder~~] was  
25 personally given the notice by oral communication described by  
26 Subsection (b) and subsequently failed to depart.

27 (e) It is an exception to the application of this section

1 that the property on which the person [~~license holder~~] carries a  
2 handgun is owned or leased by a governmental entity and is not a  
3 premises or other place on which the person [~~license holder~~] is  
4 prohibited from carrying the handgun under Section 46.03 or 46.035.

5 SECTION 16. Section 30.07, Penal Code, is amended to read as  
6 follows:

7 Sec. 30.07. TRESPASS BY PERSON IN POSSESSION OF [~~LICENSE~~  
8 ~~HOLDER WITH~~] AN OPENLY CARRIED HANDGUN. (a) A person [~~license~~  
9 ~~holder~~] commits an offense if the person [~~license holder~~]:

10 (1) openly carries a handgun [~~under the authority of~~  
11 ~~Subchapter H, Chapter 411, Government Code,~~] on property of another  
12 without effective consent; and

13 (2) received notice that entry on the property by a  
14 person [~~license holder~~] openly carrying a handgun was forbidden.

15 (b) For purposes of this section, a person receives notice  
16 if the owner of the property or someone with apparent authority to  
17 act for the owner provides notice to the person by oral or written  
18 communication.

19 (c) In this section:

20 (1) "Entry" has the meaning assigned by Section  
21 30.05(b).

22 (2) [~~"License holder" has the meaning assigned by~~  
23 ~~Section 46.035(f).~~]

24 [~~(3)~~] "Written communication" means:

25 (A) a card or other document on which is written  
26 language identical to the following: "Pursuant to Section 30.07,  
27 Penal Code (trespass by person in possession of [~~license holder~~]

1 ~~with]~~ an openly carried handgun), a person [~~licensed under~~  
2 ~~Subchapter H, Chapter 411, Government Code (handgun licensing~~  
3 ~~law),]~~ may not enter this property with a handgun that is carried  
4 openly"; or

5 (B) a sign posted on the property that:

6 (i) includes the language described by  
7 Paragraph (A) in both English and Spanish;

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

10 (iii) is displayed in a conspicuous manner  
11 clearly visible to the public at each entrance to the property.

12 (d) An offense under this section is a Class C misdemeanor  
13 punishable by a fine not to exceed \$200, except that the offense is  
14 a Class A misdemeanor if it is shown on the trial of the offense  
15 that, after entering the property, the person [~~license holder~~] was  
16 personally given the notice by oral communication described by  
17 Subsection (b) and subsequently failed to depart.

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

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

26 SECTION 17. The following provisions are repealed:

27 (1) Section 411.205, Government Code;

- 1           (2) Section 46.02(a-1), Penal Code;
- 2           (3) Section 46.03(f), Penal Code;
- 3           (4) Sections 46.035 (c) and (d), Penal Code; and
- 4           (5) Section 46.035(h-1), Penal Code, as added by
- 5 Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular
- 6 Session, 2007.

7           SECTION 18. This Act takes effect immediately if it  
8 receives a vote of two-thirds of all the members elected to each  
9 house, as provided by Section 39, Article III, Texas Constitution.  
10 If this Act does not receive the vote necessary for immediate  
11 effect, this Act takes effect on the 91st day after the last day of  
12 the legislative session.