

APPENDIX-TEXAS STATUTORY PROHIBITIONS

The carrying of handguns is prohibited in the following locations that may be found on the land or buildings owned or leased by a member university or agency. (This list is not intended to be exhaustive.)

- 1) A handgun license holder may not carry a handgun if he/she is intoxicated.
- 2) A handgun license holder may not intentionally or knowingly display his/her handgun in plain view of another person, even if holstered, on campus, including on any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.
- 3) A handgun license holder may not intentionally, knowingly, or recklessly carry a handgun on or about the license holder's person:
 - a) on the premises where a high school or professional sporting event or interscholastic event is taking place; or
 - b) on the premises where a collegiate sporting event is taking place, so long as effective notice is given under Section 30.06, Penal Code; or
 - c) regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to, and properly noticed in accordance with the Texas Open Meetings Act, so long as effective notice is given under Section 30.06, Penal Code.
- 4) A person may not intentionally, knowingly, or recklessly possess or go with a firearm:
 - a) on the premises of a polling place on the day of the election, including while early voting is in progress; or
 - b) in or into a secured area of an airport.

Statutory Text

Texas Penal Code

Sec. 30.05. TRESPASS BY LICENSE HOLDER WITH A CONCEALED HANDGUN.

- (a) A person commits an offense if the person enters or remains on or in property of another, including residential land, agricultural land, a recreational vehicle park, a building, a general residential operation operating as a residential treatment center, or an aircraft or other vehicle, without effective consent and the person:
 - (1) had notice that the entry was forbidden; or
 - (2) received notice to depart but failed to do so.
- (b) For purposes of this section:

- (1) “Entry” means the intrusion of the entire body.
- (2) “Notice” means:
 - (A) oral or written communication by the owner or someone with apparent authority to act for the owner;
 - (B) fencing or other enclosure obviously designed to exclude intruders or to contain livestock;
 - (C) a sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden;
 - (D) the placement of identifying purple paint marks on trees or posts on the property, provided that the marks are:
 - (i) vertical lines of not less than eight inches in length and not less than one inch in width;
 - (ii) placed so that the bottom of the mark is not less than three feet from the ground or more than five feet from the ground; and
 - (iii) placed at locations that are readily visible to any person approaching the property and no more than:
 - (a) 100 feet apart on forest land; or
 - (b) 1,000 feet apart on land other than forest land; or
 - (E) the visible presence on the property of a crop grown for human consumption that is under cultivation, in the process of being harvested, or marketable if harvested at the time of entry.
- (3) “Shelter center” has the meaning assigned by Section 51.002, Human Resources Code.
- (4) “Forest land” means land on which the trees are potentially valuable for timber products.
- (5) “Agricultural land” has the meaning assigned by Section 75.001, Civil Practice and Remedies Code.
- (6) “Superfund site” means a facility that:
 - (A) is on the National Priorities List established under Section 105 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Section 9605); or
 - (B) is listed on the state registry established under Section 361.181, Health and Safety Code.
- (7) “Critical infrastructure facility” means one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders:
 - (A) a chemical manufacturing facility;

- (B) a refinery;
- (C) an electrical power generating facility, substation, switching station, electrical control center, or electrical transmission or distribution facility;
- (D) a water intake structure, water treatment facility, wastewater treatment plant, or pump station;
- (E) a natural gas transmission compressor station;
- (F) a liquid natural gas terminal or storage facility;
- (G) a telecommunications central switching office;
- (H) a port, railroad switching yard, trucking terminal, or other freight transportation facility;
- (I) a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas; or
- (J) a transmission facility used by a federally licensed radio or television station.

(8) “Protected freshwater area” has the meaning assigned by Section 90.001, Parks and Wildlife Code.

(9) “Recognized state” means another state with which the attorney general of this state, with the approval of the governor of this state, negotiated an agreement after determining that the other state:

- (A) has firearm proficiency requirements for peace officers; and
- (B) fully recognizes the right of peace officers commissioned in this state to carry weapons in the other state.

(10) “Recreational vehicle park” has the meaning assigned by Section 13.087, Water Code.

(11) “Residential land” means real property improved by a dwelling and zoned for or otherwise authorized for single-family or multifamily use.

(12) “Institution of higher education” has the meaning assigned by Section 61.003, Education Code.

(13) “General residential operation” has the meaning assigned by Section 42.002, Human Resources Code.

(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 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;

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

(D) the offense is committed on the property of or within a general residential operation operating as a residential treatment center.

(d-1) For the purposes of Subsection (d)(3)(B), a person has previously been convicted of an offense described by that paragraph if the person was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication community supervision, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the person was subsequently discharged from deferred adjudication community supervision.

(d-2) At the punishment stage of a trial in which the attorney representing the state seeks the increase in punishment provided by Subsection (d)(3)(B), the defendant may raise the issue as to whether, at the time of the instant offense or the previous offense, the defendant was engaging in speech or expressive conduct protected by the First Amendment to the United States Constitution or Section 8, Article I, Texas Constitution. If the defendant proves the

issue in the affirmative by a preponderance of the evidence, the increase in punishment provided by Subsection (d)(3)(B) does not apply.

(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.

(e) It is a defense to prosecution under this section that the actor at the time of the offense was:

(1) a firefighter or emergency medical services personnel, as defined by Section 773.003, Health and Safety Code, acting in the lawful discharge of an official duty under exigent circumstances;

(2) a person who was:

(A) an employee or agent of:

(i) an electric utility, as defined by Section 31.002, Utilities Code;

(ii) a telecommunications provider, as defined by Section 51.002, Utilities Code;

(iii) a video service provider or cable service provider, as defined by Section 66.002, Utilities Code;

(iv) a gas utility, as defined by Section 101.003, Utilities Code, which for the purposes of this subsection includes a municipally owned utility as defined by that section;

(v) a gas utility, as defined by Section 121.001, Utilities Code;

(vi) a pipeline used for the transportation or sale of oil, gas, or related products; or

(vii) an electric cooperative or municipally owned utility, as defined by Section 11.003, Utilities Code; and

(B) performing a duty within the scope of that employment or agency; or

- (3) a person who was:
 - (A) employed by or acting as agent for an entity that had, or that the person reasonably believed had, effective consent or authorization provided by law to enter the property; and
 - (B) performing a duty within the scope of that employment or agency.

- (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,1 to carry a handgun; and
 - (B) a handgun:
 - (i) in a concealed manner; or
 - (ii) in a holster.

- (f-1) It is a defense to prosecution under this section that:
 - (1) the basis on which entry on the property was forbidden is that entry with a firearm or firearm ammunition was forbidden;
 - (2) the actor is:
 - (A) an owner of an apartment in a condominium regime governed by Chapter 81, Property Code;
 - (B) an owner of a condominium unit governed by Chapter 82, Property Code;
 - (C) a tenant or guest of an owner described by Paragraph (A) or (B); or
 - (D) a guest of a tenant of an owner described by Paragraph (A) or (B);
 - (3) the actor:
 - (A) carries or stores a firearm or firearm ammunition in the condominium apartment or unit owner's apartment or unit;
 - (B) carries a firearm or firearm ammunition directly en route to or from the condominium apartment or unit owner's apartment or unit;
 - (C) carries a firearm or firearm ammunition directly en route to or from the actor's vehicle located in a parking area provided for residents or guests of the condominium property; or
 - (D) carries or stores a firearm or firearm ammunition in the actor's vehicle located in a parking area provided for residents or guests of the condominium property; and
 - (4) the actor is not otherwise prohibited by law from possessing a firearm or firearm ammunition.

- (f-2) It is a defense to prosecution under this section that:

- (1) the basis on which entry on a leased premises governed by Chapter 92, Property Code, was forbidden is that entry with a firearm or firearm ammunition was forbidden;
- (2) the actor is a tenant of the leased premises or the tenant's guest;
- (3) the actor:
 - (A) carries or stores a firearm or firearm ammunition in the tenant's rental unit;
 - (B) carries a firearm or firearm ammunition directly en route to or from the tenant's rental unit;
 - (C) carries a firearm or firearm ammunition directly en route to or from the actor's vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises; or
 - (D) carries or stores a firearm or firearm ammunition in the actor's vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises; and
- (4) the actor is not otherwise prohibited by law from possessing a firearm or firearm ammunition.

(f-3) It is a defense to prosecution under this section that:

- (1) the basis on which entry on a leased premises governed by Chapter 94, Property Code, was forbidden is that entry with a firearm or firearm ammunition was forbidden;
- (2) the actor is a tenant of a manufactured home lot or the tenant's guest;
- (3) the actor:
 - (A) carries or stores a firearm or firearm ammunition in the tenant's manufactured home;
 - (B) carries a firearm or firearm ammunition directly en route to or from the tenant's manufactured home;
 - (C) carries a firearm or firearm ammunition directly en route to or from the actor's vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises; or
 - (D) carries or stores a firearm or firearm ammunition in the actor's vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises; and
- (4) the actor is not otherwise prohibited by law from possessing a firearm or firearm ammunition.

(f-4) It is a defense to prosecution under this section that:

- (1) the conduct occurred on hotel property, and the basis on which entry on that property was forbidden is that entry with a firearm or firearm ammunition was forbidden;
- (2) the actor is a guest of a hotel, as defined by Section 2155.101, Occupations Code; and

(3) the actor:

(A) carries or stores a firearm or firearm ammunition in the actor's hotel room;

(B) carries a firearm or firearm ammunition directly en route to or from the hotel or the actor's hotel room;

(C) carries a firearm or firearm ammunition directly en route to or from the actor's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests; or

(D) carries or stores a firearm or firearm ammunition in the actor's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests.

(g) It is a defense to prosecution under this section that the actor entered a railroad switching yard or any part of a railroad switching yard and was at that time an employee or a representative of employees exercising a right under the Railway Labor Act (45 U.S.C. Section 151 et seq.).

(h) At the punishment stage of a trial in which the attorney representing the state seeks the increase in punishment provided by Subsection (d)(3)(A)(iii), the defendant may raise the issue as to whether the defendant entered or remained on or in a critical infrastructure facility as part of a peaceful or lawful assembly, including an attempt to exercise rights guaranteed by state or federal labor laws. If the defendant proves the issue in the affirmative by a preponderance of the evidence, the increase in punishment provided by Subsection (d)(3)(A)(iii) does not apply.

(i) This section does not apply if:

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

(2) the actor at the time of the offense was a peace officer, including a commissioned peace officer of a recognized state, or a special investigator under Article 2.122, Code of Criminal Procedure, regardless of whether the peace officer or special investigator was engaged in the actual discharge of an official duty while carrying the weapon.

Sec. 30.06. TRESPASS BY LICENSE HOLDER WITH A CONCEALED HANDGUN.

(a) A license holder commits an offense if the license holder:

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

- (2) received notice that entry on the property by a license holder with a concealed handgun was forbidden.
- (b) For purposes of this section, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.
- (c) In this section:
- (1) “Entry” has the meaning assigned by Section 30.05(b).
 - (2) “License holder” has the meaning assigned by Section 46.03.
 - (3) “Written communication” means:
 - (A) a card or other document on which is written language identical to the following: “Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun”; or
 - (B) a sign posted on the property that:
 - (i) includes the language described by Paragraph (A) in both English and Spanish;
 - (ii) appears in contrasting colors with block letters at least one inch in height; and
 - (iii) is displayed in a conspicuous manner clearly visible to the public.
- (d) An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given the notice by oral communication described by Subsection (b) and subsequently failed to depart.
- (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.
- (e-1) It is a defense to prosecution under this section that:
- (1) the license holder is:
 - (A) an owner of an apartment in a condominium regime governed by Chapter 81, Property Code;
 - (B) an owner of a condominium unit governed by Chapter 82, Property Code;
 - (C) a tenant or guest of an owner described by Paragraph (A) or (B); or

- (D) a guest of a tenant of an owner described by Paragraph (A) or (B); and
- (2) the license holder:
 - (A) carries or stores a handgun in the condominium apartment or unit owner's apartment or unit;
 - (B) carries a handgun directly en route to or from the condominium apartment or unit owner's apartment or unit;
 - (C) carries a handgun directly en route to or from the license holder's vehicle located in a parking area provided for residents or guests of the condominium property; or
 - (D) carries or stores a handgun in the license holder's vehicle located in a parking area provided for residents or guests of the condominium property.
- (e-2) It is a defense to prosecution under this section that:
 - (1) the license holder is a tenant of a leased premises governed by Chapter 92, Property Code, or the tenant's guest; and
 - (2) the license holder:
 - (A) carries or stores a handgun in the tenant's rental unit;
 - (B) carries a handgun directly en route to or from the tenant's rental unit;
 - (C) carries a handgun directly en route to or from the license holder's vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises; or
 - (D) carries or stores a handgun in the license holder's vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises.
- (e-3) It is a defense to prosecution under this section that:
 - (1) the license holder is a tenant of a manufactured home lot governed by Chapter 94, Property Code, or the tenant's guest; and
 - (2) the license holder:
 - (A) carries or stores a handgun in the tenant's manufactured home;
 - (B) carries a handgun directly en route to or from the tenant's manufactured home;
 - (C) carries a handgun directly en route to or from the license holder's vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises; or
 - (D) carries or stores a handgun in the license holder's vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises.
- (e-4) It is a defense to prosecution under this section that the license holder is a guest of a hotel, as defined by Section 2155.101, Occupations Code, and the license holder:
 - (1) carries or stores a handgun in the license holder's hotel room;

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

(f) It is a defense to prosecution under this section that the license holder is volunteer emergency services personnel, as defined by Section 46.01.

(f-1) It is a defense to prosecution under this section that the license holder is a first responder, as defined by Section 46.01, who:

- (1) holds an unexpired certificate of completion under Section 411.184, Government Code, at the time of engaging in the applicable conduct;
- (2) was engaged in the actual discharge of the first responder's duties while carrying the handgun; and
- (3) was employed or supervised by a municipality or county to which Chapter 179, Local Government Code, applies.

(g) It is a defense to prosecution under this section that the license holder was personally given notice by oral communication described by Subsection (b) and promptly departed from the property.

Sec. 46.02. UNLAWFUL CARRYING WEAPONS

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

- (1) intentionally, knowingly, or recklessly carries on or about his or her person a handgun;
- (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 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.
- (a-2) For purposes of this section, “premises” includes real property and a recreational vehicle that is being used as living quarters, regardless of whether that use is temporary or permanent. In this subsection, “recreational vehicle” means a motor vehicle primarily designed as temporary living quarters or a vehicle that contains temporary living quarters and is designed to be towed by a motor vehicle. The term includes a travel trailer, camping trailer, truck camper, motor home, and horse trailer with living quarters.
- (a-3) For purposes of this section, “watercraft” means any boat, motorboat, vessel, or personal watercraft, other than a seaplane on water, used or capable of being used for transportation on water.
- (a-4) A person commits an offense if the person:
 - (1) intentionally, knowingly, or recklessly carries on or about his or her person a location-restricted knife;
 - (2) is younger than 18 years of age at the time of the offense; and
 - (3) is not:
 - (A) on the person's own premises or premises under the person's control;
 - (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; or
 - (C) under the direct supervision of a parent or legal guardian of the person.
- (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 (d) or (e), an offense under this section is a Class A misdemeanor.
- (c) Repealed by Acts 2021, 87th Leg., ch. 809 (H.B. 1927), § 26(8).
- (d) An offense under Subsection (a-4) is a Class C 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).

Sec. 46.03. PLACES WEAPONS PROHIBITED.

- (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;
(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-1) Repealed by Acts 2021, 87th Leg., ch. 809 (H.B. 1927), § 26(9).

(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.
- (b) It is a defense to prosecution under Subsections (a)(1)-(4) that the actor possessed a firearm while in the actual discharge of his official duties as a member of the armed forces or national guard or a guard employed by a penal institution, or an officer of the court.
- (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) “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.

- (d) It is a defense to prosecution under Subsection (a)(5) that the actor possessed a firearm or club while traveling to or from the actor's place of assignment or in the actual discharge of duties as:
 - (1) a member of the armed forces or national guard;
 - (2) a guard employed by a penal institution; or
 - (3) a security officer commissioned by the Texas Private Security Board if:
 - (A) the actor is wearing a distinctive uniform; and
 - (B) the firearm or club is in plain view; or
 - (4) a security officer who holds a personal protection authorization under Chapter 1702, Occupations Code, provided that the officer is either:
 - (A) 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 firearm in plain view; or
 - (B) not wearing the uniform of a security officer and carrying the officer's firearm in a concealed manner.

- (e) It is a defense to prosecution under Subsection (a)(5) that the actor:
 - (1) checked all firearms as baggage in accordance with federal or state law or regulations before entering a secured area; or
 - (2) was authorized by a federal agency or the airport operator to possess a firearm in a secured area.

- (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 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 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.

- (f) Except as provided by Subsection (e-1), it is not a defense to prosecution under this section that the actor possessed a handgun and was licensed to carry a handgun under Subchapter H, Chapter 411, Government Code.

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

- (g-1) If the weapon that is the subject of the offense is a location-restricted knife, an offense under this section is a Class C misdemeanor, except that the offense is a felony of the third degree if the offense is committed under Subsection (a)(1).
- (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.

- (h) It is a defense to prosecution under Subsection (a)(4) that the actor possessed a firearm or club while traveling to or from the actor's place of assignment or in the actual discharge of duties as a security officer commissioned by the Texas Board of Private Investigators and Private Security Agencies, if:
 - (1) the actor is wearing a distinctive uniform; and
 - (2) the firearm or club is in plain view.

- (i) It is an exception to the application of Subsection (a)(6) that the actor possessed a firearm or club:
 - (1) while in a vehicle being driven on a public road; or
 - (2) at the actor's residence or place of employment.

Sec. 46.15. NONAPPLICABILITY.

- (a) Sections 46.02 and 46.03 do not apply to:
 - (1) peace officers or special investigators under Article 2.122, Code of Criminal Procedure, and neither section prohibits a peace officer or special investigator from carrying a weapon in this state, including in an establishment in this state serving the public, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon;
 - (2) parole officers, and neither section prohibits an officer from carrying a weapon in this state if the officer is:
 - (A) engaged in the actual discharge of the officer's duties while carrying the weapon; and
 - (B) in compliance with policies and procedures adopted by the Texas Department of Criminal Justice regarding the possession of a weapon by an officer while on duty;
 - (3) community supervision and corrections department officers appointed or employed under Section 76.004, Government Code, and neither section prohibits an officer from carrying a weapon in this state if the officer is:
 - (A) engaged in the actual discharge of the officer's duties while carrying the weapon; and
 - (B) authorized to carry a weapon under Section 76.0051, Government Code;

- (4) an active judicial officer as defined by Section 411.201, Government Code, who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;1
- (5) an honorably retired peace officer or other qualified retired law enforcement officer, as defined by 18 U.S.C. Section 926C, who holds a certificate of proficiency issued under Section 1701.357, Occupations Code, and is carrying a photo identification that is issued by a federal, state, or local law enforcement agency, as applicable, and that verifies that the officer is an honorably retired peace officer or other qualified retired law enforcement officer;
- (6) the attorney general or a United States attorney, district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;
- (7) an assistant United States attorney, assistant attorney general, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;
- (8) a bailiff designated by an active judicial officer as defined by Section 411.201, Government Code, who is:
 - (A) licensed to carry a handgun under Subchapter H, Chapter 411, Government Code; and
 - (B) engaged in escorting the judicial officer;
- (9) a juvenile probation officer who is authorized to carry a firearm under Section 142.006, Human Resources Code; or
- (10) a person who is volunteer emergency services personnel if the person is:
 - (A) carrying a handgun under the authority of Subchapter H, Chapter 411, Government Code; and
 - (B) engaged in providing emergency services.

- (b) Sections 46.02, 46.03(a)(14), and 46.04(a-1) do 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 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.

(c) Repealed by Acts 2019, 86th Leg., ch. 216 (H.B. 446), § 4.

(d) The provisions of Section 46.02 prohibiting the carrying of a firearm do not apply to a public security officer employed by the adjutant general under Section 437.053, Government Code, in performance of official duties or while traveling to or from a place of duty.

- (e) Section 46.02(a-4) does not apply to an individual carrying a location-restricted knife used in a historical demonstration or in a ceremony in which the knife is significant to the performance of the ceremony.
- (f) Section 46.03(a)(6) does not apply to a person who possesses a firearm or club while in the actual discharge of official duties as:
 - (1) a member of the armed forces or state military forces, as defined by Section 437.001, Government Code; or
 - (2) an employee of a penal institution.
- (g) The provisions of Section 46.03 prohibiting the possession or carrying of a club do not apply to an animal control officer who holds a certificate issued under Section 829.006, Health and Safety Code, and who possesses or carries an instrument used specifically for deterring the bite of an animal while the officer is in the performance of official duties under the Health and Safety Code or is traveling to or from a place of duty.
- (h) The provisions of Section 46.03 prohibiting the possession or carrying of a club do not apply to a code enforcement officer who:
 - (1) holds a certificate of registration issued under Chapter 1952, Occupations Code; and
 - (2) possesses or carries an instrument used specifically for deterring an animal bite while the officer is:
 - (A) performing official duties; or
 - (B) traveling to or from a place of duty.
- (i) Redesignated (j) by Acts 2007, 80th Leg., ch. 921, § 17.001(62).
- (j) The provisions of Sections 46.02 and 46.03(a)(7), (a-2), (a-3), and (a-4) 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.
- (k) Section 46.02 does not apply to a person who carries a handgun if:
 - (1) the person carries the handgun while:
 - (A) evacuating from an area following the declaration of a state of disaster under Section 418.014, Government Code, or a local state of disaster under Section 418.108, Government Code, with respect to that area; or
 - (B) reentering that area following the person's evacuation;

- (2) not more than 168 hours have elapsed since the state of disaster or local state of disaster was declared, or more than 168 hours have elapsed since the time the declaration was made and the governor has extended the period during which a person may carry a handgun under this subsection; and
 - (3) the person is not prohibited by state or federal law from possessing a firearm.
- (l) Sections 46.02 and 46.03(a)(1), (a)(2), (a)(3), and (a)(4) 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.

Texas Government Code

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, Penal Code.

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

(a) For purposes of this section:

- (1) “Campus” means all land and buildings owned or leased by an institution of higher education or private or independent institution of higher education.
- (2) “Institution of higher education” and “private or independent institution of higher education” have the meanings assigned by Section 61.003, Education Code.
- (3) “Premises” has the meaning assigned by Section 46.03, Penal Code.

- (b) A license holder may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of an institution of higher education or private or independent institution of higher education in this state.
- (c) Except as provided by Subsection (d), (d-1), or (e), an institution of higher education or private or independent institution of higher education in this state may not adopt any rule, regulation, or other provision prohibiting license holders from carrying handguns on the campus of the institution.
- (d) An institution of higher education or private or independent institution of higher education in this state may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories or other residential facilities that are owned or leased and operated by the institution and located on the campus of the institution.
 - (d-1) After consulting with students, staff, and faculty of the institution regarding the nature of the student population, specific safety considerations, and the uniqueness of the campus environment, the president or other chief executive officer of an institution of higher education in this state shall establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders on the campus of the institution or on premises located on the campus of the institution. The president or officer may not establish provisions that generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on the campus of the institution. The president or officer may amend the provisions as necessary for campus safety. The provisions take effect as determined by the president or officer unless subsequently amended by the board of regents or other governing board under Subsection (d-2). The institution must give effective notice under Section 30.06, Penal Code, with respect to any portion of a premises on which license holders may not carry.
 - (d-2) Not later than the 90th day after the date that the rules, regulations, or other provisions are established as described by Subsection (d-1), the board of regents or other governing board of the institution of higher education shall review the provisions. The board of regents or other governing board may, by a vote of not less than two-thirds of the board, amend wholly or partly the provisions established under Subsection (d-1). If amended under this subsection, the provisions are considered to be those of the institution as established under Subsection (d-1).
 - (d-3) An institution of higher education shall widely distribute the rules, regulations, or other provisions described by Subsection (d-1) to the institution's students, staff, and faculty, including by prominently publishing the provisions on the institution's Internet website.

- (d-4) Not later than September 1 of each even-numbered year, each institution of higher education in this state shall submit a report to the legislature and to the standing committees of the legislature with jurisdiction over the implementation and continuation of this section that:
- (1) describes its rules, regulations, or other provisions regarding the carrying of concealed handguns on the campus of the institution; and
 - (2) explains the reasons the institution has established those provisions.
- (e) A private or independent institution of higher education in this state, after consulting with students, staff, and faculty of the institution, may establish rules, regulations, or other provisions prohibiting license holders from carrying handguns on the campus of the institution, any grounds or building on which an activity sponsored by the institution is being conducted, or a passenger transportation vehicle owned by the institution.

Sec. 411.209. WRONGFUL EXCLUSION OF HANDGUN LICENSE HOLDER

- (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 , Penal Code, or other law.
- (b) A state agency or a political subdivision of the state that violates Subsection (a) is liable for a civil penalty of:
- (1) not less than \$1,000 and not more than \$1,500 for the first violation; and
 - (2) not less than \$10,000 and not more than \$10,500 for the second or a subsequent violation.
- (c) Each day of a continuing violation of Subsection (a) constitutes a separate violation.
- (d) A resident of this state or a person licensed to carry a handgun under this subchapter may file a complaint with the attorney general that a state agency or political subdivision is in violation of Subsection (a) if the resident or license holder provides the agency or subdivision a written notice that describes the location and general facts of the violation and the agency or subdivision does not cure the violation before the end of the third business day after the date of receiving the written notice. A complaint filed with the attorney general under this subsection must include evidence of the violation and a copy of the written notice provided to the agency or subdivision.
- (e) A civil penalty collected by the attorney general under this section shall be deposited to the credit of the compensation to victims of crime fund established under Subchapter J, Chapter 56B, Code of Criminal Procedure.
- (f) Before a suit may be brought against a state agency or a political subdivision of the state for a violation of Subsection (a), the attorney general must investigate the complaint to

determine whether legal action is warranted. If legal action is warranted, the attorney general must give the chief administrative officer of the agency or political subdivision charged with the violation a written notice that:

- (1) describes the violation;
 - (2) states the amount of the proposed penalty for the violation; and
 - (3) gives the agency or political subdivision 15 days from receipt of the notice to cure the violation to avoid the penalty, unless the agency or political subdivision was found liable by a court for previously violating Subsection (a).
- (g) If the attorney general determines that legal action is warranted and that the state agency or political subdivision has not cured the violation within the 15-day period provided by Subsection (f)(3), the attorney general or the appropriate county or district attorney may sue to collect the civil penalty provided by Subsection (b). The attorney general may also file a petition for a writ of mandamus or apply for other appropriate equitable relief. A suit or petition under this subsection may be filed in a district court in Travis County or in a county in which the principal office of the state agency or political subdivision is located. The attorney general may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.
- (h) Sovereign immunity to suit is waived and abolished to the extent of liability created by this section.
- (i) Subsection (a) does not apply to a written notice provided by a state hospital under Section 552.002, Health and Safety Code.
- (j) In this section, "premises" has the meaning assigned by Section 46.03 , Penal Code.