

By: Hegar, Birdwell

S.B. No. 321

A BILL TO BE ENTITLED

1

AN ACT

2 relating to an employee's transportation and storage of certain
3 firearms or ammunition while on certain property owned or
4 controlled by the employee's employer.

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

6 SECTION 1. Chapter 52, Labor Code, is amended by adding
7 Subchapter G to read as follows:

8 SUBCHAPTER G. RESTRICTIONS ON PROHIBITING EMPLOYEE TRANSPORTATION
9 OR STORAGE OF CERTAIN FIREARMS OR AMMUNITION

10 Sec. 52.061. RESTRICTION ON PROHIBITING EMPLOYEE ACCESS TO
11 OR STORAGE OF FIREARM OR AMMUNITION. A public or private employer
12 may not prohibit an employee who holds a license to carry a
13 concealed handgun under Subchapter H, Chapter 411, Government Code,
14 who otherwise lawfully possesses a firearm, or who lawfully
15 possesses ammunition from transporting or storing a firearm or
16 ammunition the employee is authorized by law to possess in a locked,
17 privately owned motor vehicle in a parking lot, parking garage, or
18 other parking area the employer provides for employees.

19 Sec. 52.062. EXCEPTIONS. (a) Section 52.061 does not:

20 (1) authorize a person who holds a license to carry a
21 concealed handgun under Subchapter H, Chapter 411, Government Code,
22 who otherwise lawfully possesses a firearm, or who lawfully
23 possesses ammunition to possess a firearm or ammunition on any
24 property where the possession of a firearm or ammunition is

1 prohibited by state or federal law; or

2 (2) apply to:

3 (A) a vehicle owned or leased by a public or
4 private employer and used by an employee in the course and scope of
5 the employee's employment, unless the employee is required to
6 transport or store a firearm in the official discharge of the
7 employee's duties;

8 (B) a school district;

9 (C) an open-enrollment charter school, as
10 defined by Section 5.001, Education Code;

11 (D) a private school, as defined by Section
12 22.081, Education Code; or

13 (E) property owned or controlled by a person,
14 other than the employer, that is subject to a valid, unexpired oil,
15 gas, or other mineral lease executed before September 1, 2011, that
16 contains a provision prohibiting the possession of firearms on the
17 property.

18 (b) Section 52.061 does not prohibit an employer from
19 prohibiting an employee who holds a license to carry a concealed
20 handgun under Subchapter H, Chapter 411, Government Code, or who
21 otherwise lawfully possesses a firearm, from possessing a firearm
22 the employee is otherwise authorized by law to possess on the
23 premises of the employer's business. In this subsection,
24 "premises" has the meaning assigned by Section 46.035(f)(3), Penal
25 Code.

26 Sec. 52.063. IMMUNITY FROM CIVIL LIABILITY. Except in
27 cases of gross negligence, a public or private employer or the

1 employer's agent is not liable in a civil action for personal
2 injury, death, property damage, or any other damages resulting from
3 or arising out of an occurrence involving a firearm or ammunition
4 transported or stored in accordance with Section 52.061, including
5 an action for damages arising from the theft of the firearm or
6 ammunition or the use of the firearm or ammunition by a person other
7 than the employee authorized by Section 52.061 to transport or
8 store the firearm or ammunition. The presence of a firearm or
9 ammunition transported or stored in the manner and in a location
10 described by Section 52.061 does not by itself constitute a failure
11 by the employer to provide a safe workplace.

12 SECTION 2. Section 411.203, Government Code, is amended to
13 read as follows:

14 Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does
15 not prevent or otherwise limit the right of a public or private
16 employer to prohibit persons who are licensed under this subchapter
17 from carrying a concealed handgun on the premises of the business.
18 In this section, "premises" has the meaning assigned by Section
19 46.035(f)(3), Penal Code.

20 SECTION 3. The change in law made by this Act applies only
21 to a cause of action that accrues on or after the effective date of
22 this Act. A cause of action that accrues before that date is
23 governed by the law as it existed immediately before the effective
24 date of this Act, and that law is continued in effect for that
25 purpose.

26 SECTION 4. This Act takes effect September 1, 2011.