

BILL ANALYSIS

Senate Research Center
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S.B. 534
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, an employee licensed to carry a concealed handgun may be prohibited by an employer from storing a handgun in the employee's locked vehicle in the employer's parking lot. An employee may also be penalized by an employer for applying for or possessing such a license. Such penalties by an employer can compromise an employee's right to personal defense in the employee's travels to and from a place of employment.

As proposed, S.B. 534 prohibits an employer from penalizing an employee licensed to carry a concealed handgun for storing a handgun in the employee's locked vehicle in the employer's parking lot if the employee follows certain procedures. It prohibits an employer from penalizing an employee for applying for or possessing a concealed handgun license and entitles an employee penalized in such a manner to wages lost, reinstatement, and reasonable attorney's fees. The bill does not affect an employer's right to prohibit an employee from carrying a firearm on the premises of the employer's business, excluding the parking lot, and provides that an employer is not liable for any damages resulting from an incident involving the storage of the handgun in an employee's motor vehicle in the employer's parking lot.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 52, Labor Code, by adding Subchapter G, as follows:

SUBCHAPTER G. RESTRICTIONS ON PENALIZING EMPLOYEE FOR ACCESS TO OR STORAGE OF CONCEALED HANDGUN

Sec. 52.061. PENALIZING EMPLOYEE FOR ACCESS TO OR STORAGE OF CONCEALED HANDGUN. (a) Prohibits a public or private employer from discharging, disciplining, or penalizing an employee due to actions set forth in this subsection relating to the employee's application for or possession of a concealed handgun license, or for the storage of a handgun in a locked vehicle in an employer's parking lot under certain conditions.

(b) Entitles an employee who is discharged in violation of this section to reinstatement in the same position the employee possessed immediately before the discharge.

(c) Authorizes an employee who is discharged, disciplined, or otherwise penalized in violation of this section to bring civil action against the employer to enforce the rights protected by this subchapter. Sets forth the entitlements of an employee who prevails in such an action.

(d) Provides that an employee's failure to store the handgun in an alternative location provided by the employer to securely store the handgun while on the employer's property is a defense usable by an employer against an action brought by an employee alleging a violation of Subsection (a)(3) (regarding the

transportation or storage of a handgun in the employee's locked motor vehicle in an area provided for parking by the employer).

(e) Provides that this section does not prohibit an employer from discharging, disciplining, or penalizing an employee who does not satisfy the requirements of Subsection (a)(3) (regarding the requirement on an employee to submit a written statement and proof of license to the employer regarding the transportation or storage of a handgun in the employee's locked motor vehicle in an area provided for parking by the employer).

(f) Provides that this section does not prohibit an employer from prohibiting an employee licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code from carrying a firearm on the business premises of the employer. Defines "premises."

(g) Provides that a person licensed under Subchapter H, Chapter 411, Government Code, is not authorized to carry a concealed handgun on any property where it is prohibited by state or federal law.

SECTION 2. Amends Section 411.203, Government Code, as follows:

Sec. 411.203. New Heading: RIGHTS OF EMPLOYERS; LIMITATION ON LIABILITY. (a) Creates this subsection from existing text. Defines "premises."

(b) Provides that in a civil action, a public or private employer is not liable for damages resulting from an occurrence involving the storage of, in a parking area of the employer, a concealed handgun in the motor vehicle of an employee who is licensed under this subchapter (License to Carry a Concealed Handgun).

SECTION 3. Makes application this Act prospective.

SECTION 4. Effective date: September 1, 2007.