

SUBJECT: Specifying the civil liability for businesses allowing concealed handguns

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 5 ayes — Leach, Krause, Middleton, Schofield, Smith

3 nays — Davis, Julie Johnson, Moody

1 absent — Dutton

WITNESSES: For — (*Registered, but did not testify:* Annie Spilman, NFIB; Larry Gonzales, Texas Credit Union Association; Mark Borskey, Texas State Rifle Association; Don Spraggins; Doris Spraggins; Calvin Tillman)

Against — (*Registered, but did not testify:* Maggie Luna, Statewide Leadership Council; Idona Griffith; Ash Hall; Vanessa MacDougal)

On — (*Registered, but did not testify:* Thomas Parkinson)

BACKGROUND: Government Code sec. 411.172 establishes the eligibility requirements for a license to carry a handgun.

Under Penal Code sec. 30.06, an individual licensed to carry a handgun commits an offense if the license holder carries a concealed handgun with the applicable legal authority on the property of another without effective consent and received notice that entry on the property by a license holder with a concealed handgun was forbidden. Under 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.

Concerns have been raised that state law does not currently address the liability of businesses for possible damages that could arise from allowing licensed handgun holders to lawfully carry a concealed handgun on the business's property.

DIGEST:

HB 1548 would establish that a person with control over the premises of a business who allowed entry on the premises by a license holder with a concealed handgun would not be liable based solely on that permission for damages arising from the lawful carrying of a concealed handgun on the premises.

The lack of an oral or written communication constituting notice under Penal Code sec. 30.06 would be sufficient to constitute allowing entry on the premises by a license holder with a concealed handgun.

The bill would take effect September 1, 2021, and would apply only to a cause of action that accrued after that date.