

BILL ANALYSIS

Senate Research Center
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S.B. 772
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Licensed Texans are able to carry a handgun, openly or concealed, into most private businesses as long as the establishment does not post a notice under Sections 30.06 or 30.07 of the Penal Code. This statute does not provide explicit civil liability protections to such businesses. This could leave the establishment vulnerable to frivolous lawsuits, and operate as an incentive to the adoption of more restrictive carrying policies.

S.B. 772 immunizes a business from civil liability against a claim arising out of not choosing to prohibit handguns. These protections are similar to those that the businesses already possess with respect to claims arising out of firearms being left in an employer's parking garage. The legislation does not impose any liability or legal burdens on business owners who choose to disallow firearms on their premises.

As proposed, S.B. 772 amends current law relating to evidence in certain civil actions of a person's failure to forbid handguns on certain property.

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 Title 4, Civil Practice and Remedies Code, by adding Chapter 95A, as follows:

CHAPTER 95A. ACTIONS INVOLVING THE CARRYING OF HANDGUNS ON CERTAIN PROPERTY

Sec. 95A.0001. EVIDENCE OF FAILURE TO FORBID HANDGUNS. Provides that the fact that a card, sign, or other document described by Section 30.06(c)(3) (relating to the definition of written communication) or 30.07(c)(3) (relating to the definition of written communication), Penal Code, is not posted on the property of a business or any other evidence that a person failed to exercise the person's option to forbid the carrying of a handgun by a license holder on the property:

(1) is not admissible as evidence in a trial on the merits in an action against a person, including a business or other entity, who owns, controls, or manages the property and in which the cause of action arises from an injury sustained on the property; and

(2) does not support a cause of action described by Subdivision (1) against a person described by that subdivision.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2019.