

By: Campbell, et al.

S.B. No. 20

A BILL TO BE ENTITLED
AN ACT

relating to carrying and storing a handgun or handgun ammunition by a hotel guest.

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

SECTION 1. The heading to Subchapter C, Chapter 2155, Occupations Code, is amended to read as follows:

SUBCHAPTER C. FIREARMS POLICY [~~NOTICE~~]

SECTION 2. Section 2155.101, Occupations Code, is amended to read as follows:

Sec. 2155.101. DEFINITION. In this subchapter, "hotel" means a hotel, motel, inn, or similar business entity that offers more than 10 rooms to the public for temporary lodging for a fee [has the meaning assigned by Section 156.001, Tax Code].

SECTION 3. Subchapter C, Chapter 2155, Occupations Code, is amended by adding Section 2155.1025 to read as follows:

Sec. 2155.1025. APPLICABILITY OF FIREARMS POLICY TO HANDGUNS. (a) Unless possession of a handgun or handgun ammunition on hotel property is prohibited by state or federal law, a hotel may not adopt a firearms policy described by Section 2155.102 prohibiting a hotel guest from:

- (1) carrying or storing a handgun or handgun ammunition in the guest's hotel room;
- (2) carrying a handgun or handgun ammunition directly en route to or from the hotel or the guest's hotel room;
- (3) carrying a handgun or handgun ammunition directly en route to or from the guest's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests; or
- (4) carrying or storing a handgun or handgun ammunition in the guest's vehicle located on the hotel property, including a vehicle in a parking area provided for hotel guests.

(b) A hotel may adopt a firearms policy requiring a hotel guest carrying a handgun or handgun ammunition in a common area on the hotel property to:

- (1) carry a handgun in a concealed manner; or
- (2) carry handgun ammunition in a case or bag.

SECTION 4. Section 30.05, Penal Code, is amended by adding Subsection (f-4) to read as follows:

(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 handgun or handgun ammunition in the actor's hotel room;

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

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

SECTION 5. Section 30.06, Penal Code, is amended by adding Subsection (e-4) to read as follows:

.(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.

SECTION 6. Section 30.07, Penal Code, is amended by adding Subsection (e-4) to read as follows:

.(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.

SECTION 7. Sections 30.05, 30.06, and 30.07, Penal Code, as amended by this Act, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 8. This Act takes effect September 1, 2021.