

# The Right to Keep and Bear Arms Act

HB 28 - SB 8

## Bill Text

### A BILL TO BE ENTITLED AN ACT

#### AN ACT

relating to the carrying, storage, or possession of a firearm or  
firearm ammunition by certain persons on certain residential or commercial  
property.

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

SECTION 1. Section 30.05, Penal Code, is amended by adding  
Subsections (f-1), (f-2), and (f-3) to read as follows:

(f-1) It is a defense to prosecution under this section  
that:

(1) the basis on which entry on the property was  
forbidden is that entry with a firearm or firearm ammunition was  
forbidden;

(2) the actor is:

(A) an owner of an apartment in a condominium  
regime governed by Chapter 81, Property Code;

(B) an owner of a condominium unit governed by  
Chapter 82, Property Code;

(C) a tenant or guest of an owner described by  
Paragraph (A) or (B); or

(D) a guest of a tenant of an owner described by  
Paragraph (A) or (B);

(3) the actor:

(A) carries or stores a firearm or firearm  
ammunition in the condominium apartment or unit owner's apartment  
or unit;

(B) carries a firearm or firearm ammunition  
directly en route to or from the condominium apartment or unit  
owner's apartment or unit;

(C) carries a firearm or firearm ammunition  
directly en route to or from the actor's vehicle located in a  
parking area provided for residents or guests of the condominium  
property; or

(D) carries or stores a firearm or firearm  
ammunition in the actor's vehicle located in a parking area  
provided for residents or guests of the condominium property; and

(4) the actor is not otherwise prohibited by law from  
possessing a firearm or firearm ammunition.



REP. RYAN GUILLEN

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Pleasanton High School

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(f-2) It is a defense to prosecution under this section that:

(1) the basis on which entry on a leased premises governed by Chapter 92, Property Code, was forbidden is that entry with a firearm or firearm ammunition was forbidden;

(2) the actor is a tenant of the leased premises or the tenant's guest;

(3) the actor:

(A) carries or stores a firearm or firearm ammunition in the tenant's rental unit;

(B) carries a firearm or firearm ammunition directly en route to or from the tenant's rental unit;

(C) carries a firearm or firearm ammunition directly en route to or from the actor's vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises; or

(D) carries or stores a firearm or firearm ammunition in the actor's vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises; and

(4) the actor is not otherwise prohibited by law from possessing a firearm or firearm ammunition.

(f-3) It is a defense to prosecution under this section that:

(1) the basis on which entry on a leased premises governed by Chapter 94, Property Code, was forbidden is that entry with a firearm or firearm ammunition was forbidden;

(2) the actor is a tenant of a manufactured home lot or the tenant's guest;

(3) the actor:

(A) carries or stores a firearm or firearm ammunition in the tenant's manufactured home;

(B) carries a firearm or firearm ammunition directly en route to or from the tenant's manufactured home;

(C) carries a firearm or firearm ammunition directly en route to or from the actor's vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises; or

(D) carries or stores a firearm or firearm ammunition in the actor's vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises; and

(4) the actor is not otherwise prohibited by law from possessing a firearm or firearm ammunition.

SECTION 2. Section 30.06, Penal Code, is amended by adding Subsections (e-1), (e-2), and (e-3) to read as follows:

(e-1) It is a defense to prosecution under this section that:

(1) the license holder is:

(A) an owner of an apartment in a condominium regime governed by Chapter 81, Property Code;

(B) an owner of a condominium unit governed by



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Chapter 82, Property Code;

(C) a tenant or guest of an owner described by Paragraph (A) or (B); or

(D) a guest of a tenant of an owner described by Paragraph (A) or (B); and

(2) the license holder:

(A) carries or stores a handgun in the condominium apartment or unit owner's apartment or unit;

(B) carries a handgun directly en route to or from the condominium apartment or unit owner's apartment or unit;

(C) carries a handgun directly en route to or from the license holder's vehicle located in a parking area provided for residents or guests of the condominium property; or

(D) carries or stores a handgun in the license holder's vehicle located in a parking area provided for residents or guests of the condominium property.

(e-2) It is a defense to prosecution under this section that:

(1) the license holder is a tenant of a leased premises governed by Chapter 92, Property Code, or the tenant's guest; and

(2) the license holder:

(A) carries or stores a handgun in the tenant's rental unit;

(B) carries a handgun directly en route to or from the tenant's rental unit;

(C) carries a handgun directly en route to or from the license holder's vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises; or

(D) carries or stores a handgun in the license holder's vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises.

(e-3) It is a defense to prosecution under this section that:

(1) the license holder is a tenant of a manufactured home lot governed by Chapter 94, Property Code, or the tenant's guest; and

(2) the license holder:

(A) carries or stores a handgun in the tenant's manufactured home;

(B) carries a handgun directly en route to or from the tenant's manufactured home;

(C) carries a handgun directly en route to or from the license holder's vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises; or

(D) carries or stores a handgun in the license holder's vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises.

SECTION 3. Section 30.07, Penal Code, is amended by adding Subsections (e-1), (e-2), and (e-3) to read as follows:

(e-1) It is a defense to prosecution under this section





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that:

(1) the license holder is:

(A) an owner of an apartment in a condominium regime governed by Chapter 81, Property Code;

(B) an owner of a condominium unit governed by Chapter 82, Property Code;

(C) a tenant or guest of an owner described by Paragraph (A) or (B); or

(D) a guest of a tenant of an owner described by Paragraph (A) or (B); and

(2) the license holder:

(A) carries or stores a handgun in the condominium apartment or unit owner's apartment or unit;

(B) carries a handgun directly en route to or from the condominium apartment or unit owner's apartment or unit;

(C) carries a handgun directly en route to or from the license holder's vehicle located in a parking area provided for residents or guests of the condominium property; or

(D) carries or stores a handgun in the license holder's vehicle located in a parking area provided for residents or guests of the condominium property.

(e-2) It is a defense to prosecution under this section that:

(1) the license holder is a tenant of a leased premises governed by Chapter 92, Property Code, or the tenant's guest; and

(2) the license holder:

(A) carries or stores a handgun in the tenant's rental unit;

(B) carries a handgun directly en route to or from the tenant's rental unit;

(C) carries a handgun directly en route to or from the license holder's vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises; or

(D) carries or stores a handgun in the license holder's vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises.

(e-3) It is a defense to prosecution under this section that:

(1) the license holder is a tenant of a manufactured home lot governed by Chapter 94, Property Code, or the tenant's guest; and

(2) the license holder:

(A) carries or stores a handgun in the tenant's manufactured home;

(B) carries a handgun directly en route to or from the tenant's manufactured home;

(C) carries a handgun directly en route to or from the license holder's vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises; or

(D) carries or stores a handgun in the license



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holder's vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises.

SECTION 4. Section 82.002, Property Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Section 82.121 applies to a condominium for which the declaration was recorded before January 1, 1994.

SECTION 5. Subchapter C, Chapter 82, Property Code, is amended by adding Section 82.121 to read as follows:

Sec. 82.121. POSSESSION OF FIREARM OR FIREARM AMMUNITION ON

CONDOMINIUM PROPERTY. (a) Unless possession of a firearm or firearm ammunition on condominium property is prohibited by state or federal law, a condominium unit owner, or a tenant or guest of a condominium unit owner, or a guest of a tenant of a condominium unit owner may not be prohibited from lawfully possessing, carrying, transporting, or storing a firearm, any part of a firearm, or firearm ammunition:

(1) in the condominium unit owner's unit;

(2) in a vehicle located in a parking area provided for the residents or guests of the condominium property; or

(3) in other common element locations as necessary to:

(A) enter or exit the condominium property;

(B) enter or exit the condominium unit owner's

unit; or

(C) enter or exit a vehicle on the condominium property or located in a parking area provided for residents or guests of the condominium property.

(b) This section applies notwithstanding any provision of a dedicatory instrument to the contrary and regardless of the date of the provision's adoption.

SECTION 6. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.026 to read as follows:

Sec. 92.026. POSSESSION OF FIREARMS OR FIREARM AMMUNITION

ON LEASED PREMISES. Unless possession of a firearm or firearm ammunition on a landlord's property is prohibited by state or federal law, a landlord may not prohibit a tenant or a tenant's guest from lawfully possessing, carrying, transporting, or storing a firearm, any part of a firearm, or firearm ammunition:

(1) in the tenant's rental unit;

(2) in a vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises; or

(3) in other locations controlled by the landlord as necessary to:

(A) enter or exit the tenant's rental unit;

(B) enter or exit the leased premises; or

(C) enter or exit a vehicle on the leased premises or located in a parking area provided by the landlord for tenants or guests.

SECTION 7. Subchapter F, Chapter 94, Property Code, is amended by adding Section 94.257 to read as follows:

Sec. 94.257. POSSESSION OF FIREARM OR FIREARM



## AMMUNITION ON

LEASED PREMISES. Unless possession of a firearm or firearm ammunition on a landlord's property is prohibited by state or federal law, a landlord may not prohibit a tenant or a tenant's guest from lawfully possessing, carrying, transporting, or storing a firearm, any part of a firearm, or firearm ammunition:

(1) in the tenant's manufactured home;

(2) in a vehicle located in a parking area provided for tenants or tenants' guests by the landlord of the leased premises;

or

(3) in other locations controlled by the landlord as necessary to:

(A) enter or exit the tenant's manufactured home;

(B) enter or exit the leased premises; or

(C) enter or exit a vehicle on the leased premises or located in a parking area provided by the landlord for tenants or tenants' guests.

SECTION 8. 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 9. Sections 92.026 and 94.257, Property Code, as added by this Act, do not affect the enforceability of a provision in a lease agreement entered into or renewed before the effective date of this Act.

SECTION 10. This Act takes effect September 1, 2020.

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