

SUBJECT: Prohibiting schools from regulating handgun storage in parking areas

COMMITTEE: Public Education — favorable, without amendment

VOTE: 7 ayes — Huberty, Allison, K. Bell, K. King, Meyer, Sanford, VanDeaver

4 nays — Bernal, Allen, M. González, Talarico

1 absent — Ashby

1 present not voting — Dutton

WITNESSES: For — CJ Grisham, Open Carry Texas; Brent McCain; Alexie Swirsky; (*Registered, but did not testify*: Angela Smith, Fredericksburg Tea Party; Rachel Malone, Gun Owners of America; Susan Pintchovski, Moms Demand Action for Gun Sense Texas; Tara Mica, National Rifle Association; Byron Schirmbeck, Texas Campaign For Liberty; Mia McCord, Texas Conservative Coalition; Mark Borskey, Texas State Rifle Association; and 11 individuals)

Against — Elva Mendoza, Moms Demand Action for Gun Sense in America; Gyl Switzer, Texas Gun Sense; (*Registered, but did not testify*: Jo DePrang, Children's Defense Fund - Texas; Mary Cullinane, League of Women Voters of Texas; Vicki Altounian, Molly Bursey, Robin Carroll, Bergan Casey, Elizabeth Crosby, Rebecca Defelice, Karen Gentry, Nicole Golden, Melanie Greene, Christine Hinkle, Melissa Holmes, Jenny Johnson, Susan Kelly, Heather Kennedy, Emma Mancha-Sumners, Sarah Poustovoi, Jennifer Price, Hilary Whitfield, and Jennifer Zoghby, Moms Demand Action for Gun Sense in America; Marilyn Hartman, NAMI Austin; Grover Campbell, Texas Association of School Boards; Lisa Dawn-Fisher, Texas State Teachers Association; Patty Quinzi, Texas American Federation of Teachers; and 20 individuals)

On — (*Registered, but did not testify*: Von Byer, Texas Education Agency)

BACKGROUND: Under Education Code sec. 37.0815, a school district or open-enrollment charter school may not prohibit a person, including a school employee, who holds a license to carry a handgun from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a district or school parking area provided that the handgun, firearm, or ammunition is not in plain view.

This does not authorize a person to possess, transport, or store a handgun, a firearm, or ammunition in violation of other law.

Some have suggested that schools are implementing additional regulations for the storage of concealed handguns and ammunition in locked vehicles.

DIGEST: HB 1143 would prohibit a school district or open-enrollment charter school from regulating the manner in which a handgun, firearm, or ammunition that was not in plain view was stored in a vehicle in a parking area as authorized under Education Code sec. 37.0815.

The bill would apply beginning with the 2019-2020 school year.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.