

Safety & Security Committee

Meeting Minutes

April 3, 2015

I. Call to order

Ceaser Moore, Jr., Chief of Police called to order the regular meeting of the Safety and Security Committee at 1:08 p.m. on April 3, 2015 at Conference Room 102E - UHPD.

II. Roll call

Valarie Smith conducted a roll call. The following persons were present:

Ceaser Moore, Jr. – Chief of Police

Chris McDonald – Fire Marshal

Dina Padovan – Police Sergeant / Staff Council Representative

Jacqueline Chee – State Accounting / Staff Council Representative

Elsie Myers – Chemistry / Staff Council Representative and Guest Attendee

III. Open issues

- a) Hazing Investigation
- b) H.B. No. 972 – “The Campus Carry Law”

IV. New business

- a) Update on Hazing investigation: “Not a lot can be said regarding the hazing investigation other than the fact that it is being investigated. UHPD is working hard on it.”
- b) Updates / Proposals on how UHPD will handle the potential passing of H.B. No. 972 - Putting an officer at every dorm location/Gun lockers/Increasing Police Presence, etc. Staff Council Representative & Guest Attendee Elsie Myers stated that the Staff Council would like to make a statement against the bill and are willing to help UHPD as much as possible with any challenges that may occur.
- c) Fire Marshal McDonald noted that in response to an incident at the University of Memphis in which a student lost his life after becoming locked in his dorm bathroom, crawling into the ceiling to escape and accidentally electrocuting himself that UH has become the only University which has complied with disabling double exterior locks on dorm bathroom doors so this doesn't occur on our campus.

V. Adjournment

Ceaser Moore, Jr., Chief of Police adjourned the meeting at 1:48 p.m.

Minutes submitted by: Valarie Smith, Special Assistant to Chief Moore

Minutes approved by: Ceaser Moore, Jr. – Chief of Police

CM 4/8/15
REVIEWED

By: Fletcher, et al. (Senate Sponsor - Birdwell) H.B. No. 972

(In the Senate - Received from the House May 7, 2013; May 9, 2013, read first time and referred to Committee on Criminal Justice; May 15, 2013, reported favorably by the following vote: Yeas 4, Nays 3; May 15, 2013, sent to printer.)

COMMITTEE VOTE

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>PNV</u>
<u>Whitmire</u>		<u>X</u>		
<u>Huffman</u>	<u>X</u>			
<u>Carona</u>	<u>X</u>			
<u>Hinojosa</u>		<u>X</u>		
<u>Patrick</u>	<u>X</u>			
<u>Rodriguez</u>		<u>X</u>		
<u>Schwertner</u>	<u>X</u>			

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of concealed handguns on the premises of and certain other locations associated with institutions of higher education.

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

SECTION 1. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.2031 to read as follows:

Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON CERTAIN PREMISES OWNED OR LEASED BY INSTITUTION OF HIGHER EDUCATION. (a) For purposes of this section:

(1) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(2) "License holder" means a person to whom a license to carry a concealed handgun has been issued under this subchapter, including a nonresident license issued under Section 411.173(a). The term does not include a person to whom a license to carry a concealed handgun has been issued by another state, regardless of whether a license issued by that state is recognized pursuant to an agreement negotiated by the governor under Section 411.173(b).

(3) "Premises" has the meaning assigned by Section 46.035, Penal Code.

(b) The president or other chief executive officer of an institution of higher education in this state, on behalf of the institution, and after consulting with law enforcement, students, staff, and faculty of the institution, may adopt written rules or regulations prohibiting license holders from carrying handguns on premises owned or leased and operated by the institution, on any

grounds or building owned or leased by the institution and on which an activity sponsored by the institution is being conducted, or on a passenger transportation vehicle of the institution. A written rule or regulation adopted under this subsection may remain in effect for not more than one year after the date of adoption and may be renewed, reenacted, or reenacted and amended by the institution only after consultation with students, staff, and faculty of the institution.

(c) An institution of higher education that does not adopt a rule or regulation under Subsection (b), or a private or independent institution of higher education that does not adopt a rule, regulation, or other provision or take any other action described by Section 46.03(j), Penal Code, shall adopt written rules or regulations concerning:

(1) the storage of handguns in dormitories or other residential facilities that are owned or leased and operated by the institution; and

(2) the carrying of concealed handguns by license holders at collegiate sporting events or other official mass gatherings that take place on grounds or buildings owned or leased and operated by the institution.

(d) An institution of higher education or private or independent institution of higher education in this state may not adopt or enforce any rule, regulation, or other provision or take

any other action, including posting notice under Section 30.06, Penal Code, prohibiting a student enrolled at that institution who holds a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, from transporting or storing a handgun of the same category the student is licensed to carry or ammunition for that handgun in a locked, privately owned motor vehicle or a motor vehicle leased by or for the student:

(1) on a street or driveway located on the campus of the institution; or

(2) in a parking lot, parking garage, or other parking area located on the campus of the institution.

(e) This section does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises maintained or operated by an institution of higher education that is used for the operation of a national biocontainment laboratory, if the institution gives effective notice under Section 30.06, Penal Code.

SECTION 2. Section 411.208, Government Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (f) to read as follows:

(a) A court may not hold the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education or a private or independent institution of higher education, an officer or employee of an institution of

higher education or a private or independent institution of higher education, a peace officer, or a qualified handgun instructor liable for damages caused by:

(1) an action authorized under this subchapter or a failure to perform a duty imposed by this subchapter; or

(2) the actions of an applicant or license holder that occur after the applicant has received a license or been denied a license under this subchapter.

(b) A cause of action in damages may not be brought against the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education or a private or independent institution of higher education, an officer or employee of an institution of higher education or a private or independent institution of higher education, a peace officer, or a qualified handgun instructor for any damage caused by the actions of an applicant or license holder under this subchapter.

(d) The immunities granted under Subsections (a), (b), and (c) do not apply to an act or a failure to act by the state, an agency or subdivision of the state, an officer of the state, an institution of higher education or a private or independent institution of higher education, an officer or employee of an institution of higher education or a private or independent institution of higher education, or a peace officer if the act or failure to act was capricious or arbitrary.

(f) For purposes of this section, "institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

SECTION 3. Section 46.03, Penal Code, is amended by amending Subsections (a) and (c) and adding Subsections (j), (k), (l), (m), and (n) to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(a):

(1) on the ~~[physical]~~ premises of a school or ~~[educational]~~ institution of higher education or private or independent institution of higher education, any grounds or building on which an activity sponsored by a school or ~~[educational]~~ institution of higher education or private or independent institution of higher education is being conducted, or a passenger transportation vehicle of a school or ~~[educational]~~ institution of higher education or private or independent institution of higher education, whether the school or ~~[educational]~~ institution is public or private, unless:

(A) pursuant to written rules or regulations or written authorization of the school or institution; or

(B) the person possesses or goes on premises owned or leased and operated by an institution of higher education or

private or independent institution of higher education, on any grounds or building owned or leased by the institution and on which an activity sponsored by the institution is being conducted, or on a passenger transportation vehicle of the institution with a concealed handgun that the person is licensed to carry pursuant to a license issued under Subchapter H, Chapter 411, Government Code;

(2) on the premises of a polling place on the day of an election or while early voting is in progress;

(3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;

(4) on the premises of a racetrack;

(5) in or into a secured area of an airport; or

(6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited.

(c) In this section:

(1) "Institution of higher education" and "private or

independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(2) [~~1~~] "Premises" has the meaning assigned by Section 46.035.

(3) [~~2~~] "Secured area" means an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law.

(j) Subsection (a)(1)(B) does not preclude a private or independent institution of higher education from adopting a rule, regulation, or other provision or from taking any other action to prohibit license holders from carrying handguns on premises owned or leased and operated by the institution, on any grounds or building owned or leased by the institution and on which an activity sponsored by the institution is being conducted, or on a passenger transportation vehicle of the institution.

(k) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a hospital maintained or operated by an institution of higher education or private or independent institution of higher education if the hospital gives notice under Section 30.06. In this subsection, "hospital" has the meaning assigned by Section 241.003, Health and Safety Code.

(l) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the

premises of a preschool, elementary school, or secondary school that is located on the grounds or premises of an institution of higher education or private or independent institution of higher education if the institution gives notice under Section 30.06.

(m) It is an exception to the application of Subsection (a)(1) that the actor possessed a firearm or club while traveling to or from the actor's place of assignment or in the actual discharge of the actor's duties as a security officer if:

(1) the actor holds a security officer commission issued by the Texas Private Security Board;

(2) the actor is wearing a distinctive uniform; and

(3) the firearm or club is in plain view.

(n) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises maintained or operated by an institution of higher education that is used for the operation of a national biocontainment laboratory, if the institution gives notice under Section 30.06.

SECTION 4. Section 46.035, Penal Code, is amended by adding Subsection (1) to read as follows:

(1) Subsection (b)(2) does not apply on premises owned or leased and operated by an institution of higher education or private or independent institution of higher education, as defined by Section 61.003, Education Code, where a collegiate sporting

event sponsored by the institution is taking place unless the actor is given notice under Section 30.06.

SECTION 5. Section 411.208, Government Code, as amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 6. Section 46.03, Penal Code, as amended by this Act, and Section 46.035(1), Penal Code, as added 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 7. This Act takes effect January 1, 2014.

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