

By: Turner

H.B. No. 1007

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prohibiting weapons in certain facilities or residences
3 providing services to individuals with an intellectual disability
4 or a developmental disability.

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

6 SECTION 1. This Act shall be known as Joshua's Act.

7 SECTION 2. Sections 46.03(a) and (g-2), Penal Code, are
8 amended to read as follows:

9 (a) A person commits an offense if the person intentionally,
10 knowingly, or recklessly possesses or goes with a firearm,
11 location-restricted knife, club, or prohibited weapon listed in
12 Section 46.05(a):

13 (1) on the physical premises of a school or
14 educational institution, any grounds or building on which an
15 activity sponsored by a school or educational institution is being
16 conducted, or a passenger transportation vehicle of a school or
17 educational institution, whether the school or educational
18 institution is public or private, unless:

19 (A) pursuant to written regulations or written
20 authorization of the institution; or

21 (B) the person possesses or goes with a concealed
22 handgun that the person is licensed to carry under Subchapter H,
23 Chapter 411, Government Code, and no other weapon to which this
24 section applies, on the premises of an institution of higher

1 education or private or independent institution of higher
2 education, on any grounds or building on which an activity
3 sponsored by the institution is being conducted, or in a passenger
4 transportation vehicle of the institution;

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

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

10 (4) on the premises of a racetrack;

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

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

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

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

21 (7) on the premises of a business that has a permit or
22 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic
23 Beverage Code, if the business derives 51 percent or more of its
24 income from the sale or service of alcoholic beverages for
25 on-premises consumption, as determined by the Texas Alcoholic
26 Beverage Commission under Section 104.06, Alcoholic Beverage Code;

27 (8) on the premises where a high school, collegiate,

1 or professional sporting event or interscholastic event is taking
2 place, unless the person is a participant in the event and a
3 firearm, location-restricted knife, club, or prohibited weapon
4 listed in Section 46.05(a) is used in the event;

5 (9) on the premises of a correctional facility;

6 (10) on the premises of a civil commitment facility;

7 (11) on the premises of a hospital licensed under
8 Chapter 241, Health and Safety Code, or on the premises of a nursing
9 facility licensed under Chapter 242, Health and Safety Code, unless
10 the person has written authorization of the hospital or nursing
11 facility administration, as appropriate;

12 (12) on the premises of a mental hospital, as defined
13 by Section 571.003, Health and Safety Code, unless the person has
14 written authorization of the mental hospital administration;

15 (13) in an amusement park; ~~or~~

16 (14) in the room or rooms where a meeting of a
17 governmental entity is held, if the meeting is an open meeting
18 subject to Chapter 551, Government Code, and if the entity provided
19 notice as required by that chapter; or

20 (15) on the premises of:

21 (A) an intermediate care facility licensed under
22 Chapter 252, Health and Safety Code;

23 (B) a state supported living center, as defined
24 by Section 531.002, Health and Safety Code; or

25 (C) a group home or other residential facility
26 that is licensed by or operated under the authority of the Health
27 and Human Services Commission, including a group home or facility

1 licensed or operated under a Medicaid waiver program authorized
2 under Section 1915(c) of the Social Security Act (42 U.S.C. Section
3 1396n(c)), and that provides community-based residential care
4 services:

5 (i) to not more than four persons with an
6 intellectual disability or a developmental disability at any time;
7 and

8 (ii) at a residence other than the person's
9 home.

10 (g-2) An offense committed under Subsection (a)(8),
11 (a)(10), (a)(11), (a)(13), (a)(15), (a-2), (a-3), or (a-4) is a
12 Class A misdemeanor.

13 SECTION 3. Section 46.03(c), Penal Code, is amended by
14 adding Subdivisions (1-a) and (2-a) to read as follows:

15 (1-a) "Developmental disability" has the meaning
16 assigned by Section 614.001, Health and Safety Code.

17 (2-a) "Intellectual disability" has the meaning
18 assigned by Section 591.003, Health and Safety Code.

19 SECTION 4. Section 46.15(p), Penal Code, is amended to read
20 as follows:

21 (p) Sections 46.03(a)(7), (11), ~~and~~ (13), and (15) do not
22 apply if the actor:

23 (1) carries a handgun on the premises or other
24 property, as applicable;

25 (2) holds a license to carry a handgun issued under
26 Subchapter H, Chapter 411, Government Code; and

27 (3) was not given effective notice under Section 30.06

1 or 30.07 of this code or Section 411.204, Government Code, as
2 applicable.

3 SECTION 5. The change in law made by this Act applies only
4 to an offense committed on or after the effective date of this Act.
5 An offense committed before the effective date of this Act is
6 governed by the law in effect on the date the offense was committed,
7 and the former law is continued in effect for that purpose. For
8 purposes of this section, an offense was committed before the
9 effective date of this Act if any element of the offense occurred
10 before that date.

11 SECTION 6. This Act takes effect September 1, 2023.