

By: Hefner

H.B. No. 1760

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of possessing a weapon in certain prohibited places associated with schools or postsecondary educational institutions.

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

SECTION 1. Section 46.03(a), Penal Code, is amended to read as follows:

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

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

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

(B) the person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H, Chapter 411, Government Code, and no other weapon to which this

1 section applies, on the premises of a postsecondary educational
2 institution [~~an institution of higher education or private or~~
3 ~~independent institution of higher education~~], on any grounds or
4 building owned by and under the control of the institution and on
5 which an activity sponsored by the institution is being conducted,
6 or in a passenger transportation vehicle of the institution;

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

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

12 (4) on the premises of a racetrack;

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

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

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

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

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

1 Beverage Commission under Section 104.06, Alcoholic Beverage Code;

2 (8) on the premises where a high school, collegiate,
3 or professional sporting event or interscholastic event is taking
4 place, unless the person is a participant in the event and a
5 firearm, location-restricted knife, club, or prohibited weapon
6 listed in Section 46.05(a) is used in the event;

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

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

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

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

17 (13) in an amusement park; or

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

22 SECTION 2. Section 46.03(c), Penal Code, is amended by
23 adding Subdivisions (3-a) and (4-a) to read as follows:

24 (3-a) "Postsecondary educational institution" means
25 an institution of higher education or a private or independent
26 institution of higher education.

27 (4-a) "School" means an accredited primary or

1 secondary school.

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

10 SECTION 4. This Act takes effect September 1, 2023.