

By: Anchía

H.B. No. 2279

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of certain offenses involving the carrying of weapons at certain locations.

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

SECTION 1. Sections 46.03(a) and (g-2), Penal Code, are 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, campus, or grounds of a school or other educational institution, on any grounds or building on which an activity sponsored by a school or other educational institution is being conducted or is regularly conducted, or in a passenger transportation vehicle of a school or other educational institution, whether the school or ~~[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 section applies, on the premises, campus, or grounds of an institution of higher education or a private or independent

1 institution of higher education, on any grounds or building on
2 which an activity sponsored by the institution is being conducted
3 or is regularly conducted, or in a passenger transportation vehicle
4 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) regardless of whether the facility is enclosed
21 and if the facility is not a premises on which an event is occurring
22 as described by Subdivision (8), on the premises or property of an
23 indoor or outdoor arena, stadium, golf course, automobile
24 racetrack, amphitheater, auditorium, theater, museum, zoo,
25 botanical garden, civic center, or convention center, unless the
26 person is a participant in an event conducted at the facility and a
27 firearm, location-restricted knife, club, or prohibited weapon

1 listed in Section 46.05(a) is used in the event.

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

5 SECTION 2. Section 46.03(c), Penal Code, is amended by
6 amending Subdivision (1) and adding Subdivisions (1-a) and (3-a) to
7 read as follows:

8 (1) "Amusement park" means a permanent indoor or
9 outdoor facility or park where amusement rides are available for
10 use by the public that ~~[is located in a county with a population of~~
11 ~~more than one million,]~~ encompasses at least 10 ~~[75]~~ acres in
12 surface area, is enclosed with access only through controlled
13 entries, ~~[is open for operation more than 120 days in each calendar~~
14 ~~year,]~~ and has security guards on the premises at all times. ~~[The~~
15 ~~term does not include any public or private driveway, street,~~
16 ~~sidewalk or walkway, parking lot, parking garage, or other parking~~
17 ~~area.]~~

18 (1-a) "Educational institution" means:

19 (A) a school;

20 (B) a postsecondary educational institution; or

21 (C) a library, children's nursery, day-care

22 facility, or after-school program operated by a public or private

23 school or postsecondary educational institution.

24 (3-a) "Postsecondary educational institution" means

25 any public or private institution that provides courses of

26 instruction beyond those offered in secondary schools. The term

27 includes:

1 (A) a proprietary, vocational, or technical
2 school; and

3 (B) an institution of higher education or a
4 private or independent institution of higher education.

5 SECTION 3. Section 46.15(p), Penal Code, is amended to read
6 as follows:

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

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

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

13 (3) was not given effective notice under Section 30.06
14 or 30.07 of this code or Section 411.204, Government Code, as
15 applicable.

16 SECTION 4. The change in law made by this Act applies only
17 to an offense committed on or after the effective date of this Act.
18 An offense committed before the effective date of this Act is
19 governed by the law in effect on the date the offense was committed,
20 and the former law is continued in effect for that purpose. For
21 purposes of this section, an offense was committed before the
22 effective date of this Act if any element of the offense occurred
23 before that date.

24 SECTION 5. This Act takes effect September 1, 2023.