

By: West

S.B. No. 2095

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense involving the possession or carrying of certain weapons on the premises or property of 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 of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless:

(A) pursuant to written regulations or written authorization of the 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 of an institution of higher education or private or independent institution of higher

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

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

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

9 (4) on the premises of a racetrack;

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

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

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

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

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

26 (8) on the premises where a high school, collegiate,
27 or professional sporting event or interscholastic event is taking

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

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

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

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

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

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

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

19 (15) on the premises of a museum;

20 (16) on the premises of a child-care or recreational
21 facility; or

22 (17) in a public park.

23 (g-2) An offense committed under Subsection (a)(8),
24 (a)(10), (a)(11), (a)(13), (a)(15), (a)(16), (a)(17), (a-2),
25 (a-3), or (a-4) is a Class A misdemeanor.

26 SECTION 2. Section 46.15(b), Penal Code, is amended to read
27 as follows:

(b) Sections 46.02, 46.03(a)(14), (a)(15), (a)(16), and (a)(17), and 46.04(a-1) do not apply to a person who:

(1) is in the actual discharge of official duties as a member of the armed forces or state military forces as defined by Section 437.001, Government Code, or as a guard employed by a penal institution;

(2) is traveling;

(3) is engaging in lawful hunting, fishing, or other sporting activity on the immediate premises where the activity is conducted, or is en route between the premises and the actor's residence, motor vehicle, or watercraft, if the weapon is a type commonly used in the activity;

(4) holds a security officer commission issued by the Texas Private Security Board, if the person is engaged in the performance of the person's duties as an officer commissioned under Chapter 1702, Occupations Code, or is traveling to or from the person's place of assignment and is wearing the officer's uniform and carrying the officer's weapon in plain view;

(5) acts as a personal protection officer and carries the person's security officer commission and personal protection officer authorization, if the person:

(A) is engaged in the performance of the person's duties as a personal protection officer under Chapter 1702, Occupations Code, or is traveling to or from the person's place of assignment; and

(B) is either:

(i) wearing the uniform of a security

officer, including any uniform or apparel described by Section 1702.323(d), Occupations Code, and carrying the officer's weapon in plain view; or

(ii) not wearing the uniform of a security officer and carrying the officer's weapon in a concealed manner;

(6) is carrying:

(A) a license issued under Subchapter H, Chapter 411, Government Code, to carry a handgun; and

(B) a handgun:

(i) in a concealed manner; or

(ii) in a holster;

(7) holds an alcoholic beverage permit or license or is an employee of a holder of an alcoholic beverage permit or license if the person is supervising the operation of the permitted or licensed premises; or

(8) is a student in a law enforcement class engaging in an activity required as part of the class, if the weapon is a type commonly used in the activity and the person is:

(A) on the immediate premises where the activity is conducted; or

(B) en route between those premises and the person's residence and is carrying the weapon unloaded.

SECTION 3. The change in law made by this Act applies 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

S.B. No. 2095

1 purposes of this section, an offense was committed before the
2 effective date of this Act if any element of the offense occurred
3 before that date.

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