

By: Allen

H.B. No. 243

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the possession or carrying of weapons on certain
3 premises associated with a school or educational institution;
4 providing penalties.

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

6 SECTION 1. Sections 46.03(c) and (f), Penal Code, are
7 amended to read as follows:

8 (c) In this section:

9 (1) "Premises" has the meaning assigned by Section
10 46.035, except as provided by Subdivision (2).

11 (2) "Premises," for the purposes of Subsection (a)(1),
12 means a building, portion of a building, public or private
13 driveway, street, sidewalk or walkway, parking lot, parking garage,
14 or other parking area.

15 (3) "Secured area" means an area of an airport
16 terminal building to which access is controlled by the inspection
17 of persons and property under federal law.

18 (f) Except as otherwise provided by law, it [~~it~~] is not a
19 defense to prosecution under this section that the actor possessed
20 a handgun and was licensed to carry a concealed handgun under
21 Subchapter H, Chapter 411, Government Code.

22 SECTION 2. Section 46.15, Penal Code, is amended by adding
23 Subsection (g) to read as follows:

24 (g) Section 46.03(a)(1) does not apply to a person who:

1 (1) on that part of the premises of a school or
2 educational institution or ground or building on which an activity
3 sponsored by a school or educational institution is being conducted
4 that is a public or private driveway, street, sidewalk or walkway,
5 parking lot, parking garage, or other parking area, is carrying a
6 concealed handgun and a valid license issued under Subchapter H,
7 Chapter 411, Government Code, to carry a concealed handgun of the
8 same category as the handgun the person is carrying;

9 (2) has a rifle or shotgun, on that part of the
10 premises of a school or educational institution or ground or
11 building on which an activity sponsored by a school or educational
12 institution is being conducted that is a public or private
13 driveway, street, parking lot, parking garage, or other parking
14 area, and only if:

15 (A) the rifle or shotgun is at all times in a
16 motor vehicle; and

17 (B) the person is on the premises before
18 traveling to another location to engage in a lawful hunting,
19 fishing, or other sporting activity in which a rifle or shotgun is
20 commonly used or after traveling from another location at which the
21 person engaged in the lawful hunting, fishing, or other sporting
22 activity; or

23 (3) has a rifle, shotgun, or handgun on that part of
24 the premises of a school or educational institution or ground or
25 building on which is being conducted an activity sponsored by a
26 school, educational institution, or professional organization that
27 requires the use of the rifle, shotgun, or handgun, such as a sport

1 shooting competition, handgun proficiency course, or hunter
2 training safety course.

3 SECTION 3. (a) The change in law made by this Act applies
4 only to an offense committed on or after the effective date of this
5 Act. For purposes of this section, an offense is committed before
6 the effective date of this Act if any element of the offense occurs
7 before the effective date.

8 (b) An offense committed before the effective date of this
9 Act is covered by the law in effect when the offense was committed,
10 and the former law is continued in effect for that purpose.

11 SECTION 4. This Act takes effect September 1, 2003.