

By: Raymond

H.B. No. 1546

A BILL TO BE ENTITLED

AN ACT

1
2 relating to banning pellet and BB guns from certain public places;
3 providing criminal penalties.

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

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

7 (a) A person commits an offense if the person intentionally,
8 knowingly, or recklessly possesses or goes with a firearm, pellet
9 or BB gun, illegal knife, club, or prohibited weapon listed in
10 Section 46.05(a):

11 (1) on the physical premises of a school or
12 educational institution, any grounds or building on which an
13 activity sponsored by a school or educational institution is being
14 conducted, or a passenger transportation vehicle of a school or
15 educational institution, whether the school or educational
16 institution is public or private, unless pursuant to written
17 regulations or written authorization of the institution;

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

20 (3) in any government court or offices utilized by the
21 court, unless pursuant to written regulations or written
22 authorization of the court;

23 (4) on the premises of a racetrack;

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

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

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

8 (B) possessing a weapon listed under this
9 subsection within 1,000 feet of the premises was prohibited.

10 (c) In this section:

11 (1) "Pellet gun" or "BB gun" means a device made,
12 designed, or adapted to expel a metal projectile through the force
13 of spring action or compressed air or other gas.

14 (2) "Premises" has the meaning assigned by Section
15 46.035.

16 (3) [~~2~~] "Secured area" means an area of an airport
17 terminal building to which access is controlled by the inspection
18 of persons and property under federal law.

19 (e) It is a defense to prosecution under Subsection (a)(5)
20 that the actor checked all firearms, pellet guns, or BB guns as
21 baggage in accordance with federal or state law or regulations
22 before entering a secured area.

23 SECTION 2. This Act takes effect September 1, 2003.