

A BILL TO BE ENTITLED

AN ACT

1
2 relating to laws regulating the carrying of weapons, including the
3 application of criminal trespass laws to persons licensed to carry
4 a concealed handgun.

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

6 SECTION 1. Section 30.05, Penal Code, is amended by adding
7 Subsections (f) and (g) to read as follows:

8 (f) It is a defense to prosecution under this section that:

9 (1) the basis on which entry on the property or land
10 was forbidden is that entry with a handgun was forbidden; and

11 (2) the person was carrying a concealed handgun and a
12 license issued under Subchapter H, Chapter 411, Government Code, to
13 carry a concealed handgun of the same category the person was
14 carrying.

15 (g) Subsection (f) does not prohibit a municipality,
16 county, or the state from prohibiting a license holder from
17 carrying a concealed handgun in buildings owned or leased by the
18 municipality, county, or the state provided that the municipality,
19 county, or state gives notice by oral or written communication
20 pursuant to Section 30.06(c)(3).

21 SECTION 2. Section 30.06, Penal Code, is amended by adding
22 Subsections (e) and (f) to read as follows:

23 (e) It is an exception to the application of this section
24 that the property on which the license holder carries a handgun is

1 owned or leased by a governmental entity and does not constitute
2 premises of property described by Section 46.03 or 46.035. For
3 purposes of this subsection, "premises" has the meaning assigned by
4 Section 46.035(f)(3).

5 (f) Subsection (e) does not prohibit a municipality,
6 county, or the state from prohibiting a license holder from
7 carrying a concealed handgun in buildings owned or leased by the
8 municipality, county, or the state provided that the municipality,
9 county, or state gives notice by oral or written communication
10 pursuant to Subsection (c)(3).

11 SECTION 3. Subsection (a), Section 46.03, Penal Code, is
12 amended to read as follows:

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

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

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

25 (3) on the premises of ~~in~~ any government court or
26 offices utilized by the court, unless pursuant to written
27 regulations or written authorization of the court;

1 (4) on the premises of a racetrack;

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

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

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

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

12 SECTION 4. (a) This Act takes effect September 1, 2003.

13 (b) The change in law made by this Act applies only to an
14 offense committed on or after September 1, 2003. An offense
15 committed before September 1, 2003, is covered by the law in effect
16 when the offense was committed, and the former law is continued in
17 effect for that purpose. For purposes of this subsection, an
18 offense was committed before September 1, 2003, if any element of
19 the offense was committed before that date.