

By: Hegar

H.B. No. 1067

A BILL TO BE ENTITLED

AN ACT

1
2 relating to banning air guns, conducted energy weapons, facsimile
3 firearms, and stun guns from certain premises; providing criminal
4 penalties.

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

6 SECTION 1. Section 46.01, Penal Code, is amended by adding
7 Subdivisions (17) through (20) to read as follows:

8 (17) "Air gun" means any device designed, made, or
9 adapted to expel a projectile through a barrel by using the energy
10 generated by compressed air or gas.

11 (18) "Conducted energy weapon" means any device
12 designed to propel darts or other projectiles attached to wires
13 that, on contact, will deliver an electrical pulse capable of
14 incapacitating a person.

15 (19) "Facsimile firearm" means any device, model,
16 object, toy, or air gun designed by the manufacturer to replicate or
17 substantially appear to be an actual firearm, but does not include
18 any replica or facsimile that cannot reasonably be perceived to be a
19 firearm because of a distinct color, exaggerated size, or other
20 design feature.

21 (20) "Stun gun" means any device designed to deliver
22 an electrical pulse capable of incapacitating a person when the
23 device is placed in contact with the body of the person.

24 SECTION 2. Section 46.03(a), Penal Code, is amended to read

1 as follows:

2 (a) A person commits an offense if the person intentionally,
3 knowingly, or recklessly possesses or goes with a firearm, illegal
4 knife, club, conducted energy weapon, stun gun, air gun, facsimile
5 firearm, or prohibited weapon listed in Section 46.05(a):

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

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

15 (3) on the premises of any government court or offices
16 utilized by the court, unless pursuant to written regulations or
17 written authorization of the court;

18 (4) on the premises of a racetrack;

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

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

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

27 (B) possessing a weapon listed under this

1 subsection within 1,000 feet of the premises was prohibited.

2 SECTION 3. Section 46.03(c)(1), Penal Code, is amended to
3 read as follows:

4 (1) "Premises" has the meaning assigned by Section
5 46.035, except that for purposes of Subsection (a)(1), the term
6 includes any public or private parking lot, parking garage, or
7 other parking area.

8 SECTION 4. The change in law made by this Act applies only
9 to an offense committed on or after the effective date of this Act.
10 An offense committed before the effective date of this Act is
11 covered by the law in effect when the offense was committed, and the
12 former law is continued in effect for that purpose. For purposes of
13 this section, an offense was committed before the effective date of
14 this Act if any element of the offense was committed before that
15 date.

16 SECTION 5. This Act takes effect September 1, 2005.