

By: Harris

S.B. No. 173

A BILL TO BE ENTITLED

AN ACT

relating to banning handguns and certain other weapons from parking areas associated with schools or educational institutions; providing criminal penalties.

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

SECTION 1. Sections 46.03(a) and (b), 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, illegal 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 pursuant to written regulations or written authorization of the school or institution;

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

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

(4) on the premises of a racetrack;

(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; or

10           (7) unless pursuant to written regulations or written  
11 authorization of the school or institution, in or on any public or  
12 private parking lot, parking garage, or other parking area that is:

13                   (A) owned or leased by a public or private school  
14 or educational institution and routinely used by the faculty,  
15 staff, students, or visitors of the school or educational  
16 institution; or

17                   (B) routinely used by persons attending an  
18 activity that is sponsored by a public or private school or  
19 educational institution that is being conducted.

20           (b) It is a defense to prosecution under Subsections  
21 (a)(1)-(4), and (7) that the actor possessed a firearm while in the  
22 actual discharge of his official duties as a member of the armed  
23 forces or national guard or a guard employed by a penal institution,  
24 or an officer of the court.

25           SECTION 2. Section 46.035(b), Penal Code, is amended to  
26 read as follows:

27           (b) A license holder commits an offense if the license

holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed, on or about the license holder's person:

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

(2) unless the license holder is a participant in the event and a handgun is used in the event:

(A) on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place; or

(B) in or on any public or private parking lot, parking garage, or other parking area that is routinely used by persons attending a high school sporting event or interscholastic event that is taking place~~[, unless the license holder is a participant in the event and a handgun is used in the event]~~;

(3) on the premises of a correctional facility;

(4) on the premises of a hospital licensed under Chapter 241, Health and Safety Code, or on the premises of a nursing home licensed under Chapter 242, Health and Safety Code, unless the license holder has written authorization of the hospital or nursing home administration, as appropriate;

(5) in an amusement park; or

1           (6) on the premises of a church, synagogue, or other  
2 established place of religious worship.

3           SECTION 3. The changes in law made by this Act apply only to  
4 an offense committed on or after the effective date of this Act. An  
5 offense committed before the effective date of this Act is covered  
6 by the law in effect at the time the offense was committed, and the  
7 former law is continued in effect for that purpose. For purposes of  
8 this section, an offense was committed before the effective date of  
9 this Act if any element of the offense was committed before that  
10 date.

11          SECTION 4. This Act takes effect September 1, 2005.