

BILL ANALYSIS

C.S.H.B. 2112
By: Patrick
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Section 37 of the Education Code does not include parking lots and parking garages in the list of premises on which a person is prohibited from intentionally, knowingly, or recklessly possessing a firearm. As a result, the language does not specifically allow for a District Attorney to prosecute a person possessing a firearm on school property not defined as the premises, such as parking lots.

C.S.H.B. 2112 would add language to include the prohibition of possession of a firearm if a person intentionally exhibits, uses, or threatens to exhibit or use a firearm in a manner intended to cause alarm or personal injury to another person or to damage school property in or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school, or on a school bus being used to transport children to or from school-sponsored activities of a private or public school.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to any state officer, agency or institution.

ANALYSIS

SECTION 1. Section 37.125(a), Education Code is amended to add language describing the offense of intentionally exhibiting, uses, or threatens to exhibit or use a firearm with intent to cause alarm or injury to another person or to damage school property. Subsection (a)(1) is added to describe the property of the school, including a parking lot, parking garage, or other parking area, that is own by a private or public school. The bill strikes language relating to the commission of an offense if a person interferes with the normal use of a building or portion of a campus.

SECTION 2. Transition language continues current law for offenses occurring before the effective date of the bill.

SECTION 3. Effective date September 1, 2007.

EFFECTIVE DATE

This Act takes effect upon passage or September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original amended Sections 46.03(a) and (b), Penal Code, to extend the prohibition of possessing a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(a) to include possession in or on any real property that is owned or leased by a public or private school or educational institution and routinely used by the faculty, staff, students, or visitors of the school or educational institution, including a parking lot, parking garage, or other parking area.

The substitute does not address the Penal Code, but amends the Education Code to state that a person commits an offense if the person intentionally exhibits, uses, or threatens to exhibit or use a firearm in a manner intended to cause alarm or personal injury to another person or to damage school property in or on any property, including a parking lot, parking garage, or other parking

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area, that is owned by a private or public school, or on a school bus being used to transport children to or from school-sponsored activities of a private or public school. The substitute strikes language relating to the commission of an offense if a person interferes with the normal use of a building or portion of a campus.