

By: Geren

H.B. No. 2774

A BILL TO BE ENTITLED

AN ACT

relating to areas of an airport where weapons are prohibited;
providing a penalty.

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

SECTION 1. Section 46.03, Penal Code, is amended to read as follows:

Sec. 46.03. PLACES WEAPONS PROHIBITED. (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 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 or restricted area of an

1 airport; or

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

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

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

11 (b) It is a defense to prosecution under Subsections
12 (a)(1)-(4) that the actor possessed a firearm while in the actual
13 discharge of his official duties as a member of the armed forces or
14 national guard or a guard employed by a penal institution, or an
15 officer of the court.

16 (c) In this section:

17 (1) "Premises" has the meaning assigned by Section
18 46.035.

19 (1-a) "Restricted area" means that area of an airport
20 where aircraft movement and support activities occur, and enclosed
21 airport land adjacent to such area, to which ingress is permitted
22 only by specific authorization of the airport operator.

23 (2) "Secured area" means an area of an airport
24 terminal building to which access is controlled by the inspection
25 of persons and property under federal law.

26 ~~(d) [It is a defense to prosecution under Subsection (a)(5)~~
27 ~~that the actor possessed a firearm or club while traveling to or~~

1 ~~from the actor's place of assignment or in the actual discharge of~~
2 ~~duties as:~~

3 ~~[(1) a member of the armed forces or national guard;~~

4 ~~[(2) a guard employed by a penal institution; or~~

5 ~~[(3) a security officer commissioned by the Texas Board~~
6 ~~of Private Investigators and Private Security Agencies if:~~

7 ~~[(A) the actor is wearing a distinctive uniform;~~

8 ~~and~~

9 ~~[(B) the firearm or club is in plain view; or~~

10 ~~[(5) a security officer who holds a personal protection~~
11 ~~authorization under the Private Investigators and Private Security~~
12 ~~Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes).~~

13 ~~[(e)]~~ It is a defense to prosecution under Subsection (a)(5)
14 that the firearm is ~~[actor]~~ checked ~~[all firearms]~~ as baggage in
15 accordance with federal or state law or regulations before entering
16 a secured area.

17 (e) ~~[(f)]~~ It is not a defense to prosecution under this
18 section that the actor possessed a handgun and was licensed to carry
19 a concealed handgun under Subchapter H, Chapter 411, Government
20 Code.

21 (f) ~~[(g)]~~ An offense under this section is a Class A
22 misdemeanor ~~[third degree felony]~~.

23 (g) ~~[(h)]~~ It is a defense to prosecution under Subsection
24 (a)(4) that the actor possessed a firearm or club while traveling to
25 or from the actor's place of assignment or in the actual discharge
26 of duties as a security officer commissioned by the Texas Board of
27 Private Investigators and Private Security Agencies, if:

1 (1) the actor is wearing a distinctive uniform; and

2 (2) the firearm or club is in plain view.

3 (h) [~~(i)~~] It is an exception to the application of Subsection

4 (a)(6) that the actor possessed a firearm or club:

5 (1) while in a vehicle being driven on a public road;

6 or

7 (2) at the actor's residence or place of employment.

8 SECTION 2. This Act takes effect September 1, 2007.