

BILL ANALYSIS

H.B. 698
By: Huberty
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

School board meetings sometimes run late into the evening and are held in empty schools or other locations in unsafe or less often patrolled areas. A school board member or superintendent who attends such a meeting in an official capacity and who holds a valid concealed handgun license should be allowed to carry for protection the concealed handgun for which that person is licensed, in the event of an unexpected occurrence. H.B. 698 seeks to resolve the protection issue for a school board member or superintendent attending a school board meeting in an official capacity.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 698 amends the Penal Code to establish a defense to prosecution for the offense of intentionally, knowingly, or recklessly possessing or going with a firearm, illegal knife, club, or other prohibited weapon 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, if the actor at the time of the commission of the offense was carrying a concealed handgun that the person was lawfully licensed to carry and attending a school board meeting in an official capacity as a member of the school board or the superintendent of the school governed by the school board. The bill establishes a defense to prosecution for a concealed handgun license holder who intentionally, knowingly, or recklessly carries a handgun, regardless of whether the handgun is concealed, at any meeting of a governmental entity if at the time of the commission of the offense the actor was attending a school board meeting in an official capacity as a member of the school board or the superintendent of the school governed by the school board.

EFFECTIVE DATE

September 1, 2011.