

By: Driver

H.B. No. 2178

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of concealed handguns on the campuses of institutions of higher education.

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

SECTION 1. Sections 46.03(a) and (c), 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:

(A) pursuant to written regulations or written authorization of the institution; or

(B) the person possesses or goes on the physical premises of an institution of higher education or private or independent institution of higher education, or on any grounds or building on which an activity sponsored by the institution is being conducted, with a concealed handgun that the person is licensed to carry pursuant to a license issued by the Department of Public Safety under Subchapter H, Chapter 411, Government Code;

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

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

6 (4) on the premises of a racetrack;

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

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

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

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

17 (c) In this section:

18 (1) "Institution of higher education" and "private or
19 independent institution of higher education" have the meanings
20 assigned by Section 61.003, Education Code.

21 (2) [~~1~~] "Premises" has the meaning assigned by
22 Section 46.035.

23 (3) [~~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 SECTION 2. Section 46.035, Penal Code, is amended by adding
27 Subsection (i-1) to read as follows:

1 (i-1) Subsection (b)(2) does not apply on the premises where
2 a collegiate sporting event is taking place if the actor was not
3 given effective notice under Section 30.06.

4 SECTION 3. Section 46.11(c)(1), Penal Code, is amended to
5 read as follows:

6 (1) "Premises" has the meaning [~~"Institution of higher~~
7 ~~education" and "premises" have the meanings~~] assigned by Section
8 481.134, Health and Safety Code.

9 SECTION 4. Sections 46.03(a) and (c), Penal Code, as
10 amended by this Act, and Section 46.035(i-1), Penal Code, as added
11 by this Act, apply only to an offense committed on or after the
12 effective date of this Act. An offense committed before the
13 effective date of this Act is covered by the law in effect when the
14 offense was committed, and the former law is continued in effect for
15 that purpose. For purposes of this section, an offense was
16 committed before the effective date of this Act if any element of
17 the offense occurred before that date.

18 SECTION 5. This Act takes effect September 1, 2011.