

By: Munoz, Jr.

H.B. No. 801

A BILL TO BE ENTITLED

AN ACT

relating to the discharge of a firearm across the property line of a school; providing criminal penalties.

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

SECTION 1. Subchapter A, Chapter 62, Parks and Wildlife Code, is amended by adding Section 62.0122 to read as follows:

Sec. 62.0122. DISCHARGE OF FIREARM ACROSS PROPERTY LINE OF SCHOOL. (a) In this section:

(1) "Firearm" has the meaning assigned by Section 62.014(a).

(2) "School" means a private or public elementary or secondary school.

(b) A person commits an offense with a firearm if:

(1) the person, while hunting or engaging in recreational shooting, knowingly discharges the firearm; and

(2) the projectile from the firearm travels across the property line of a school.

(c) If conduct constituting an offense under this section constitutes an offense under a section of the Penal Code, the person may be prosecuted under either section or both sections.

(d) The department shall place signs in appropriate places to alert hunters to the proximity of a school and the penalty for a violation of this section.

SECTION 2. Section 62.013, Parks and Wildlife Code, is

1 amended by amending Subsection (a) and adding Subsection (d) to  
2 read as follows:

3 (a) Except as provided by Subsections (b), ~~[and]~~ (c), and  
4 (d) [of this section], a person who violates a provision of this  
5 subchapter commits an offense that is a Class C Parks and Wildlife  
6 Code misdemeanor.

7 (d) A person who violates Section 62.0122 commits an offense  
8 that is a Class A Parks and Wildlife Code misdemeanor, unless it is  
9 shown at the trial of the defendant for a violation of that section  
10 that the commission of the offense resulted in bodily injury to or  
11 the death of any person, in which case the offense is a Parks and  
12 Wildlife Code state jail felony.

13 SECTION 3. Section 62.014, Parks and Wildlife Code, is  
14 amended by amending Subsection (b) and adding Subsection (b-1) to  
15 read as follows:

16 (b) The department may establish and administer a statewide  
17 hunter education program. The program must include but is not  
18 limited to instruction concerning:

19 (1) the safe handling and use of firearms, archery  
20 equipment, and crossbows;

21 (2) wildlife conservation and management;

22 (3) hunting laws and applicable rules and regulations;

23 and

24 (4) hunting safety and ethics, including landowners'  
25 rights and a hunter's personal responsibility as it applies to the  
26 discharge of a firearm.

27 (b-1) The department shall include, in a hunter education

1 program established under this section, in any written or  
2 Internet-based information produced by the department for the  
3 public that relates to hunting, and in any curricular materials  
4 that relate to hunting, information on:

5 (1) the prohibition against and the penalty for  
6 discharging a projectile from a firearm across the property line of  
7 a school;

8 (2) awareness of school property and other  
9 surroundings; and

10 (3) personal responsibility as it applies to the  
11 discharge of a firearm.

12 SECTION 4. The change in law made by this Act applies only  
13 to an offense committed on or after the effective date of this Act.  
14 An offense committed before the effective date of this Act is  
15 covered by the law in effect on the date the offense was committed,  
16 and the former law is continued in effect for that purpose. For  
17 purposes of this section, an offense was committed before the  
18 effective date of this Act if any element of the offense occurred  
19 before that date.

20 SECTION 5. This Act takes effect September 1, 2013.