

By: Stickland

H.B. No. 1298

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the carrying of concealed handguns by certain license
3 holders on certain locations associated with a public or private
4 school or educational institution.

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

6 SECTION 1. Section 46.03, Penal Code, is amended by
7 amending Subsection (a) and adding Subsection (b-1) to read as
8 follows:

9 (a) A person commits an offense if the person intentionally,
10 knowingly, or recklessly possesses or goes with a firearm, illegal
11 knife, club, or prohibited weapon listed in Section 46.05(a):

12 (1) unless pursuant to written regulations or written
13 authorization of a school or educational institution, regardless of
14 whether the school or educational institution is public or private,
15 on:

16 (A) the physical premises of the [a] school or
17 educational institution;

18 (B) [r] any grounds or building on which an
19 activity sponsored by the [a] school or educational institution is
20 being conducted; [r] or

21 (C) a passenger transportation vehicle of the [a]
22 school or educational institution [~~whether the school or~~
23 ~~educational institution is public or private, unless pursuant to~~
24 ~~written regulations or written authorization of the institution~~];

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 (b-1) It is a defense to prosecution under Subsection
18 (a)(1)(B) that at the time of the commission of the offense:

19 (1) the actor was carrying a handgun under the
20 authority of Subchapter H, Chapter 411, Government Code, and no
21 other weapon to which this section applies;

22 (2) the actor was not otherwise prohibited from
23 carrying the handgun under another provision of this code or other
24 law;

25 (3) the activity sponsored by the school or
26 educational institution was a field trip; and

27 (4) the actor was not a student, teacher, school or

1 school district administrator, or chaperone taking the field trip.

2 SECTION 2. The change in law made by this Act applies only
3 to an offense committed on or after the effective date of this Act.
4 An offense committed before the effective date of this Act is
5 governed by the law in effect on the date the offense was committed,
6 and the former law is continued in effect for that purpose. For
7 purposes of this section, an offense was committed before the
8 effective date of this Act if any element of the offense occurred
9 before that date.

10 SECTION 3. This Act takes effect September 1, 2013.