

By: Isaac

H.B. No. 2381

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of a concealed handgun by a license holder on certain premises.

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

SECTION 1. Section 30.06, Penal Code, is amended by adding Subsection (f) to read as follows:

(f) Notice given under this section at a meeting of a governmental entity must be limited to the room or rooms where the meeting is being held.

SECTION 2. Section 46.03, Penal Code, is amended by amending Subsections (a) and (f) and adding Subsection (f-1) 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) unless pursuant to written regulations or written authorization of a school or educational institution, regardless of whether the school or educational institution is public or private,  
on:

(A) the [physical] premises of the [a] school or educational institution on a day when classes are in session and students are present;

(B) [r] any grounds [or building] on which an activity sponsored by the [a] school or educational institution is

1 being conducted and which is owned by or under the control of the  
2 school or educational institution, while students are present; [~~7~~]  
3 or

4 (C) a passenger transportation vehicle owned by  
5 or under the control of the [~~a~~] school or educational institution,  
6 while students are present [~~7, whether the school or educational~~  
7 ~~institution is public or private, unless pursuant to written~~  
8 ~~regulations or written authorization of the institution~~];

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

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

14 (4) on the premises of a racetrack;

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

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

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

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

25 (f) It is not a defense to prosecution for an offense under  
26 Subsection (a)(1), (3), (5), or (6) [~~this section~~] that the actor  
27 possessed or carried a handgun that the actor [~~and~~] was licensed to

1 carry [~~a concealed handgun~~] under Subchapter H, Chapter 411,  
2 Government Code. It is an exception to the application of  
3 Subsection (a)(2) or (4) that the actor possessed or carried a  
4 handgun that the actor was licensed to carry under that subchapter.

5 (f-1) It is an exception to the application of Subsections  
6 (a)(1)(A) and (C) that the actor:

7 (1) possessed or carried a handgun that the actor was  
8 licensed to carry under Subchapter H, Chapter 411, Government Code;

9 (2) was not otherwise prohibited from possessing or  
10 carrying the handgun under Section 46.035 or this section; and

11 (3) possessed or carried the handgun on the premises,  
12 or passenger transportation vehicle during a time when:

13 (A) no activities sponsored by the school or  
14 educational institution that owned or leased the premises or  
15 passenger transportation vehicle were being conducted; and

16 (B) the premises, grounds, building, or  
17 passenger transportation vehicle was temporarily being used by an  
18 entity other than a school or educational institution.

19 SECTION 3. Sections 46.035(b) and (c), Penal Code, are  
20 amended to read as follows:

21 (b) A license holder commits an offense if the license  
22 holder intentionally, knowingly, or recklessly carries a handgun  
23 under the authority of Subchapter H, Chapter 411, Government Code,  
24 regardless of whether the handgun is concealed, on or about the  
25 license holder's person:

26 (1) on the premises of a business that has a permit or  
27 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic

1 Beverage Code, if the business derives 51 percent or more of its  
2 income from the sale or service of alcoholic beverages for  
3 on-premises consumption, as determined by the Texas Alcoholic  
4 Beverage Commission under Section 104.06, Alcoholic Beverage Code;

5 (2) on the premises where a high school, collegiate,  
6 or professional sporting event or interscholastic event is taking  
7 place, unless the license holder is a participant in the event and a  
8 handgun is used in the event;

9 (3) on the premises of a correctional facility; or

10 (4) on the premises of a hospital licensed under  
11 Chapter 241, Health and Safety Code, or on the premises of a nursing  
12 home licensed under Chapter 242, Health and Safety Code, unless the  
13 license holder:

14 (A) has written authorization of the hospital or  
15 nursing home administration, as appropriate; or

16 (B) has not received effective notice under  
17 Section 30.06

18 [~~(5) in an amusement park, or~~

19 [~~(6) on the premises of a church, synagogue, or~~  
20 ~~other established place of religious worship].~~

21 (c) A license holder commits an offense if the license  
22 holder intentionally, knowingly, or recklessly carries a handgun  
23 under the authority of Subchapter H, Chapter 411, Government Code,  
24 regardless of whether the handgun is concealed, in the room or rooms  
25 where a [at any] meeting of a governmental entity is held, unless:

26 (1) the meeting is not subject to Chapter 551, Government  
27 Code; or

1       (2) the license holder has not received effective notice  
2 under Section 30.06.

3       SECTION 4. Section 46.035(h-1), Penal Code, as added by  
4 Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular  
5 Session, 2007, is amended to read as follows:

6       (h-1) It is a defense to prosecution under Subsections  
7 (b)(1), (2), and (4) [~~(4)-(6)~~], and (c) that at the time of the  
8 commission of the offense, the actor was:

9               (1) a judge or justice of a federal court;

10              (2) an active judicial officer, as defined by Section  
11 411.201, Government Code; or

12              (3) a district attorney, assistant district attorney,  
13 criminal district attorney, assistant criminal district attorney,  
14 county attorney, or assistant county attorney.

15       SECTION 5. Sections 46.035(f)(1) and (i), Penal Code, are  
16 repealed.

17       SECTION 6. The change in law made by this Act applies only  
18 to an offense committed on or after the effective date of this Act.  
19 An offense committed before the effective date of this Act is  
20 governed by the law in effect on the date the offense was committed,  
21 and the former law is continued in effect for that purpose. For  
22 purposes of this section, an offense was committed before the  
23 effective date of this Act if any element of the offense occurred  
24 before that date.

25       SECTION 7. This Act takes effect September 1, 2013.