

1-1 By: Dutton (Senate Sponsor - Whitmire) H.B. No. 3884  
 1-2 (In the Senate - Received from the House May 18, 2015;  
 1-3 May 18, 2015, read first time and referred to Committee on Criminal  
 1-4 Justice; May 22, 2015, reported favorably by the following vote:  
 1-5 Yeas 6, Nays 0; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Huffman			X	
1-9 Burton	X			
1-10 Creighton	X			
1-11 Hinojosa	X			
1-12 Menéndez	X			
1-13 Perry	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the carrying of knives; creating a criminal offense.  
 1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-19 SECTION 1. Section 46.01(6), Penal Code, is amended to read  
 1-20 as follows:  
 1-21 (6) "Location-restricted knife" [~~"Illegal knife"~~]  
 1-22 means a:  
 1-23 (A) knife with a blade over five and one-half  
 1-24 inches;  
 1-25 (B) hand instrument designed to cut or stab  
 1-26 another by being thrown;  
 1-27 (C) dagger, including but not limited to a dirk,  
 1-28 stiletto, and poniard;  
 1-29 (D) bowie knife;  
 1-30 (E) sword; or  
 1-31 (F) spear.  
 1-32 SECTION 2. Section 46.02, Penal Code, is amended by  
 1-33 amending Subsection (a) and adding Subsection (a-4) to read as  
 1-34 follows:  
 1-35 (a) A person commits an offense if the person intentionally,  
 1-36 knowingly, or recklessly carries on or about his or her person a  
 1-37 handgun[~~, illegal knife,~~] or club if the person is not:  
 1-38 (1) on the person's own premises or premises under the  
 1-39 person's control; or  
 1-40 (2) inside of or directly en route to a motor vehicle  
 1-41 or watercraft that is owned by the person or under the person's  
 1-42 control.  
 1-43 (a-4) A person younger than 18 years commits an offense if  
 1-44 the person intentionally, knowingly, or recklessly carries on or  
 1-45 about his or her person a location-restricted knife if the person is  
 1-46 not:  
 1-47 (1) on the person's own premises or premises under the  
 1-48 person's control; or  
 1-49 (2) inside of or directly en route to a motor vehicle  
 1-50 or watercraft that is owned by the person or under the person's  
 1-51 control.  
 1-52 SECTION 3. Section 46.03(a), Penal Code, is amended to read  
 1-53 as follows:  
 1-54 (a) A person commits an offense if the person intentionally,  
 1-55 knowingly, or recklessly possesses or goes with a firearm,  
 1-56 location-restricted [~~illegal~~] knife, club, or prohibited weapon  
 1-57 listed in Section 46.05(a):  
 1-58 (1) on the physical premises of a school or  
 1-59 educational institution, any grounds or building on which an  
 1-60 activity sponsored by a school or educational institution is being  
 1-61 conducted, or a passenger transportation vehicle of a school or

2-1 educational institution, whether the school or educational  
2-2 institution is public or private, unless pursuant to written  
2-3 regulations or written authorization of the institution;

2-4 (2) on the premises of a polling place on the day of an  
2-5 election or while early voting is in progress;

2-6 (3) on the premises of any government court or offices  
2-7 utilized by the court, unless pursuant to written regulations or  
2-8 written authorization of the court;

2-9 (4) on the premises of a racetrack;

2-10 (5) in or into a secured area of an airport; or

2-11 (6) within 1,000 feet of premises the location of  
2-12 which is designated by the Texas Department of Criminal Justice as a  
2-13 place of execution under Article 43.19, Code of Criminal Procedure,  
2-14 on a day that a sentence of death is set to be imposed on the  
2-15 designated premises and the person received notice that:

2-16 (A) going within 1,000 feet of the premises with  
2-17 a weapon listed under this subsection was prohibited; or

2-18 (B) possessing a weapon listed under this  
2-19 subsection within 1,000 feet of the premises was prohibited.

2-20 SECTION 4. Section 46.03, Penal Code, is amended by  
2-21 amending Subsection (g) and adding Subsection (g-1) to read as  
2-22 follows:

2-23 (g) Except as provided by Subsection (g-1), an [An] offense  
2-24 under this section is a third degree felony.

2-25 (g-1) If the weapon that is the subject of the offense is a  
2-26 location-restricted knife, an offense under this section is a Class  
2-27 C misdemeanor, unless the offense occurred on the physical premises  
2-28 of a public or private primary or secondary school, any grounds or  
2-29 building on which an activity sponsored by a public or private  
2-30 primary or secondary school is being conducted, or a passenger  
2-31 transportation vehicle of a public or private primary or secondary  
2-32 school, in which event the offense is a third degree felony.

2-33 SECTION 5. Section 46.06(a), Penal Code, is amended to read  
2-34 as follows:

2-35 (a) A person commits an offense if the person:

2-36 (1) sells, rents, leases, loans, or gives a handgun to  
2-37 any person knowing that the person to whom the handgun is to be  
2-38 delivered intends to use it unlawfully or in the commission of an  
2-39 unlawful act;

2-40 (2) intentionally or knowingly sells, rents, leases,  
2-41 or gives or offers to sell, rent, lease, or give to any child  
2-42 younger than 18 years any firearm, club, or location-restricted  
2-43 [illegal] knife;

2-44 (3) intentionally, knowingly, or recklessly sells a  
2-45 firearm or ammunition for a firearm to any person who is  
2-46 intoxicated;

2-47 (4) knowingly sells a firearm or ammunition for a  
2-48 firearm to any person who has been convicted of a felony before the  
2-49 fifth anniversary of the later of the following dates:

2-50 (A) the person's release from confinement  
2-51 following conviction of the felony; or

2-52 (B) the person's release from supervision under  
2-53 community supervision, parole, or mandatory supervision following  
2-54 conviction of the felony;

2-55 (5) sells, rents, leases, loans, or gives a handgun to  
2-56 any person knowing that an active protective order is directed to  
2-57 the person to whom the handgun is to be delivered; or

2-58 (6) knowingly purchases, rents, leases, or receives as  
2-59 a loan or gift from another a handgun while an active protective  
2-60 order is directed to the actor.

2-61 SECTION 6. Section 46.15(e), Penal Code, is repealed.

2-62 SECTION 7. Section 37.007(a), Education Code, is amended to  
2-63 read as follows:

2-64 (a) Except as provided by Subsection (k), a student shall be  
2-65 expelled from a school if the student, on school property or while  
2-66 attending a school-sponsored or school-related activity on or off  
2-67 of school property:

2-68 (1) uses, exhibits, or possesses:

2-69 (A) a firearm as defined by Section 46.01(3),

3-1 Penal Code;

3-2 (B) a location-restricted [~~an illegal~~] knife as

3-3 defined by Section 46.01(6), Penal Code, or by local policy;

3-4 (C) a club as defined by Section 46.01(1), Penal

3-5 Code; or

3-6 (D) a weapon listed as a prohibited weapon under

3-7 Section 46.05, Penal Code;

3-8 (2) engages in conduct that contains the elements of

3-9 the offense of:

3-10 (A) aggravated assault under Section 22.02,

3-11 Penal Code, sexual assault under Section 22.011, Penal Code, or

3-12 aggravated sexual assault under Section 22.021, Penal Code;

3-13 (B) arson under Section 28.02, Penal Code;

3-14 (C) murder under Section 19.02, Penal Code,

3-15 capital murder under Section 19.03, Penal Code, or criminal

3-16 attempt, under Section 15.01, Penal Code, to commit murder or

3-17 capital murder;

3-18 (D) indecency with a child under Section 21.11,

3-19 Penal Code;

3-20 (E) aggravated kidnapping under Section 20.04,

3-21 Penal Code;

3-22 (F) aggravated robbery under Section 29.03,

3-23 Penal Code;

3-24 (G) manslaughter under Section 19.04, Penal

3-25 Code;

3-26 (H) criminally negligent homicide under Section

3-27 19.05, Penal Code; or

3-28 (I) continuous sexual abuse of young child or

3-29 children under Section 21.02, Penal Code; or

3-30 (3) engages in conduct specified by Section

3-31 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

3-32 SECTION 8. Section 52.031(a), Family Code, is amended to

3-33 read as follows:

3-34 (a) A juvenile board may establish a first offender program

3-35 under this section for the referral and disposition of children

3-36 taken into custody, or accused prior to the filing of a criminal

3-37 charge, of:

3-38 (1) conduct indicating a need for supervision;

3-39 (2) a Class C misdemeanor, other than a traffic

3-40 offense; or

3-41 (3) delinquent conduct other than conduct that

3-42 constitutes:

3-43 (A) a felony of the first, second, or third

3-44 degree, an aggravated controlled substance felony, or a capital

3-45 felony; or

3-46 (B) a state jail felony or misdemeanor involving

3-47 violence to a person or the use or possession of a firearm,

3-48 location-restricted [~~illegal~~] knife, or club, as those terms are

3-49 defined by Section 46.01, Penal Code, or a prohibited weapon, as

3-50 described by Section 46.05, Penal Code.

3-51 SECTION 9. Section 53.01(d), Family Code, is amended to

3-52 read as follows:

3-53 (d) Unless the juvenile board approves a written procedure

3-54 proposed by the office of prosecuting attorney and chief juvenile

3-55 probation officer which provides otherwise, if it is determined

3-56 that the person is a child and, regardless of a finding of probable

3-57 cause, or a lack thereof, there is an allegation that the child

3-58 engaged in delinquent conduct of the grade of felony, or conduct

3-59 constituting a misdemeanor offense involving violence to a person

3-60 or the use or possession of a firearm, location-restricted

3-61 [~~illegal~~] knife, or club, as those terms are defined by Section

3-62 46.01, Penal Code, or prohibited weapon, as described by Section

3-63 46.05, Penal Code, the case shall be promptly forwarded to the

3-64 office of the prosecuting attorney, accompanied by:

3-65 (1) all documents that accompanied the current

3-66 referral; and

3-67 (2) a summary of all prior referrals of the child to

3-68 the juvenile court, juvenile probation department, or a detention

3-69 facility.

4-1 SECTION 10. This Act applies only to an offense committed on  
4-2 or after the effective date of this Act. An offense committed  
4-3 before the effective date of this Act is governed by the law in  
4-4 effect on the date the offense was committed, and the former law is  
4-5 continued in effect for that purpose. For purposes of this section,  
4-6 an offense was committed before the effective date of this Act if  
4-7 any element of the offense occurred before that date.

4-8 SECTION 11. This Act takes effect September 1, 2015.

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