

SENATE AMENDMENTS

2nd Printing

By: Springer, Pickett, Simmons, Guillen,
Frank, et al.

H.B. No. 554

A BILL TO BE ENTITLED

AN ACT

relating to a defense to prosecution for the offense of possessing
or carrying a weapon in or into the secured area of an airport.

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

SECTION 1. Section 46.03, Penal Code, is amended by adding
Subsections (e-1) and (e-2) and amending Subsection (f) to read as
follows:

(e-1) It is a defense to prosecution under Subsection (a)(5)
that the actor:

(1) possessed, at the screening checkpoint for the
secured area, a concealed handgun that the actor was licensed to
carry under Subchapter H, Chapter 411, Government Code; and

(2) exited the screening checkpoint for the secured
area immediately upon notification that the actor possessed the
handgun.

(e-2) A peace officer investigating conduct that may
constitute an offense under Subsection (a)(5) and that consists
only of an actor's possession of a concealed handgun that the actor
is licensed to carry under Subchapter H, Chapter 411, Government
Code, may not arrest the actor for the offense unless:

(1) the officer advises the actor of the defense
available under Subsection (e-1) and gives the actor an opportunity
to exit the screening checkpoint for the secured area; and

(2) the actor does not immediately exit the

1 checkpoint.

2 (f) Except as provided by Subsection (e-1), it [~~It~~] is not a
3 defense to prosecution under this section that the actor possessed
4 a handgun and was licensed to carry a concealed handgun under
5 Subchapter H, Chapter 411, Government Code.

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

14 SECTION 3. This Act takes effect September 1, 2015.

FLOOR AMENDMENT NO. 1

ADOPTED

MAY 24 2015

BY: *Brandon Coughlin*

Larry Spaw
Secretary

- 1 Amend H.B. No. 554 (senate ~~committee~~ printing) as follows:
- 2 (1) In SECTION 1 of the bill in the added subsection (e-1)
- 3 (2) between "upon" and "notification" and insert the following:
- 4 completion of the required screening processes and
- 5 (2) In SECTION 1 of the bill in the added subsection (e-2)
- 6 (2) after "checkpoint" and before the period insert the
- 7 following: upon completion of the required screening processes

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 25, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB554 by Springer (Relating to a defense to prosecution for the offense of possessing or carrying a weapon in or into the secured area of an airport.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code to provide a defense to prosecution for the offense of unlawful carrying of weapons in prohibited places. The bill would permit individuals with a license to carry a concealed handgun to immediately exit a screening checkpoint of an airport upon completion of required screening processes and notification the person possessed a handgun. This analysis assumes the provisions of the bill would not result in a significant impact on state correctional agencies.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, AG, ESi, LM

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Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 15, 2015

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB554 by Springer (Relating to a defense to prosecution for the offense of possessing or carrying a weapon in or into the secured area of an airport.), **As Engrossed**

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 8, 2015

TO: Honorable Larry Phillips, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB554 by Springer (Relating to a defense to prosecution for the offense of possessing or carrying a weapon in or into the secured area of an airport.), **As Introduced**

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CRIMINAL JUSTICE IMPACT STATEMENT

84TH LEGISLATIVE REGULAR SESSION

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FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB554 by Springer (Relating to a defense to prosecution for the offense of possessing or carrying a weapon in or into the secured area of an airport.), **As Passed 2nd House**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Penal Code to provide a defense to prosecution for the offense of unlawful carrying of weapons in prohibited places. The bill would permit individuals with a license to carry a concealed handgun to immediately exit a screening checkpoint of an airport upon completion of required screening processes and notification that the person possessed a handgun.

Possessing a weapon in a prohibited place is currently a third degree felony, punishable by confinement in prison for a term of two to ten years and an optional fine not to exceed \$10,000.

In fiscal year 2014, 581 people were arrested, 30 were placed under felony supervision, and 10 were admitted into correctional institutions for the offense of possessing a weapon in a prohibited place. The secured area of an airport is one of several locations where possessing a weapon is prohibited; however, statewide data are not available to indicate which of these persons possessed a weapon in a secured area of an airport. This analysis assumes the provisions of the bill would not significantly impact state correctional populations, programs, or workloads.

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