

BILL ANALYSIS

C.S.H.B. 3057
By: Anchia
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the existing offense of possessing or going with certain weapons in or into a secured area of an airport is too limited in applicability and insufficiently protects against a potential insider threat. C.S.H.B. 3057 seeks to address these concerns by revising the area of an airport that is considered a secured area for purposes of that offense while also providing for certain exemptions from that offense.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3057 amends the Penal Code to redefine "secured area" for purposes of the offense of possessing or going with a firearm, illegal knife, club, or certain prohibited weapon in or into a secured area of an airport from an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law to an area of an airport terminal building or of an adjacent aircraft parking area used by common carriers in air transportation but not used by general aviation and to which access is controlled under federal law. The bill removes the defense to prosecution for such an offense for an actor who checked all firearms as baggage in accordance with federal or state law or regulations before entering a secured area and instead exempts an actor who takes such action from the application of the offense. The bill also exempts from the application of the offense an actor who was authorized by a federal agency to possess a firearm in a secured area.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3057 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 46.03(c)(3), Penal Code, is amended to read as follows:

(3) "Secured area" means an area of an airport ~~[terminal building]~~

to which access is controlled by the inspection of persons and property under federal law.

No equivalent provision.

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

SECTION 3. This Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 46.03(c)(3), Penal Code, is amended to read as follows:

(3) "Secured area" means an area:

(A) of an airport terminal building or of an adjacent aircraft parking area used by common carriers in air transportation but not used by general aviation; and

(B) to which access is controlled [by the inspection of persons and property] under federal law.

SECTION 2. Section 46.03(e), Penal Code, is amended to read as follows:

(e) It is an exception to the application of [a defense to prosecution under] Subsection (a)(5) that the actor:

(1) checked all firearms as baggage in accordance with federal or state law or regulations before entering a secured area; or
(2) was authorized by a federal agency to possess a firearm in a secured area.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.