

By: Anchia

H.B. No. 465

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of certain offenses involving the carrying of weapons at amusement parks or locations associated with schools or educational institutions.

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

SECTION 1. Section 46.03(a), Penal Code, is amended 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) on the ~~[physical]~~ premises, campus, or grounds of a school or other educational institution, on any grounds or building on which an activity sponsored by a school or other educational institution is being conducted or is regularly conducted, or in a passenger transportation vehicle of a school or other educational institution, whether the school or ~~[educational]~~ institution is public or private, unless:

(A) pursuant to written regulations or written authorization of the school or institution; or

(B) the person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H, Chapter 411, Government Code, and no other weapon to which this section applies, on the premises, campus, or grounds of an institution of higher education or a private or independent

1 institution of higher education, on any grounds or building on  
2 which an activity sponsored by the institution is being conducted  
3 or is regularly conducted, or in a passenger transportation vehicle  
4 of the institution;

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

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

10 (4) on the premises of a racetrack;

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

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

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

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

21 SECTION 2. Section 46.03(c), Penal Code, is amended by  
22 amending Subdivision (1) and adding Subdivisions (1-a) and (1-b) to  
23 read as follows:

24 (1) "Educational institution" means:

25 (A) a school;

26 (B) a postsecondary educational institution; or

27 (C) a library, children's nursery, day-care

1 facility, or after-school program operated by a public or private  
2 school or postsecondary educational institution.

3 (1-a) "Institution of higher education" and "private  
4 or independent institution of higher education" have the meanings  
5 assigned by Section 61.003, Education Code.

6 (1-b) "Postsecondary educational institution" means  
7 any public or private institution that provides courses of  
8 instruction beyond those offered in secondary schools. The term  
9 includes:

10 (A) a proprietary, vocational, or technical  
11 school; and

12 (B) an institution of higher education or a  
13 private or independent institution of higher education.

14 SECTION 3. Section 46.035(f)(1), Penal Code, is amended to  
15 read as follows:

16 (1) "Amusement park" means a permanent indoor or  
17 outdoor facility or park where amusement rides are available for  
18 use by the public that ~~[is located in a county with a population of~~  
19 ~~more than one million,]~~ encompasses at least 10 ~~[75]~~ acres in  
20 surface area, is enclosed with access only through controlled  
21 entries, ~~[is open for operation more than 120 days in each calendar~~  
22 ~~year,]~~ and has security guards on the premises at all times. ~~[The~~  
23 ~~term does not include any public or private driveway, street,~~  
24 ~~sidewalk or walkway, parking lot, parking garage, or other parking~~  
25 ~~area.]~~

26 SECTION 4. The change in law made by this Act applies only  
27 to an offense committed on or after the effective date of this Act.

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

7 SECTION 5. This Act takes effect September 1, 2017.