

By: Cain

H.B. No. 1915

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the prosecution of the offense of possessing a weapon in  
3 certain prohibited places associated with schools or educational  
4 institutions.

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

6 SECTION 1. Section 46.03(a), Penal Code, is amended to read  
7 as follows:

8 (a) A person commits an offense if the person intentionally,  
9 knowingly, or recklessly possesses or goes with a firearm, illegal  
10 knife, club, or prohibited weapon listed in Section 46.05(a):

11 (1) on the ~~[physical]~~ premises of a school or  
12 educational institution, on any grounds or building owned by and  
13 under the control of a school or educational institution and on  
14 which an activity sponsored by the ~~[a]~~ school or ~~[educational]~~  
15 institution is being conducted, or in a passenger transportation  
16 vehicle of a school or educational institution, whether the school  
17 or educational institution is public or private, unless:

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

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

1 education, on any grounds or building owned by and under the control  
2 of the institution and on which an activity sponsored by the  
3 institution is being conducted, or in a passenger transportation  
4 vehicle 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 (2-a) to  
23 read as follows:

24 (1) "Educational institution" means:

25 (A) a regional education service center  
26 established under Chapter 8, Education Code;

27 (B) an institution of higher education; or

1                    (C) a private or independent institution of  
2 higher education.

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                    (2-a) "School" means an accredited primary or  
7 secondary school.

8                    SECTION 3. The change in law made by this Act applies only  
9 to an offense committed on or after the effective date of this Act.  
10 An offense committed before the effective date of this Act is  
11 governed by the law in effect on the date the offense was committed,  
12 and the former law is continued in effect for that purpose. For  
13 purposes of this section, an offense was committed before the  
14 effective date of this Act if any element of the offense occurred  
15 before that date.

16                    SECTION 4. This Act takes effect September 1, 2017.