

By: Frullo, Dutton, Kuempel, Moody, Springer, H.B. No. 1935
et al.

Substitute the following for H.B. No. 1935:

By: Moody C.S.H.B. No. 1935

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of certain knives.

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

SECTION 1. Section 37.007(b), Education Code, is amended to
read as follows:

(b) A student may be expelled if the student:

(1) engages in conduct involving a public school that
contains the elements of the offense of false alarm or report under
Section 42.06, Penal Code, or terroristic threat under Section
22.07, Penal Code;

(2) while on or within 300 feet of school property, as
measured from any point on the school's real property boundary
line, or while attending a school-sponsored or school-related
activity on or off of school property:

(A) sells, gives, or delivers to another person
or possesses, uses, or is under the influence of any amount of:

(i) marihuana or a controlled substance, as
defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.
Section 801 et seq.;

(ii) a dangerous drug, as defined by
Chapter 483, Health and Safety Code; or

(iii) an alcoholic beverage, as defined by
Section 1.04, Alcoholic Beverage Code;

(B) engages in conduct that contains the elements

1 of an offense relating to an abusable volatile chemical under
2 Sections 485.031 through 485.034, Health and Safety Code;

3 (C) engages in conduct that contains the elements
4 of an offense under Section 22.01(a)(1), Penal Code, against a
5 school district employee or a volunteer as defined by Section
6 22.053; or

7 (D) engages in conduct that contains the elements
8 of the offense of deadly conduct under Section 22.05, Penal Code;

9 (3) subject to Subsection (d), while within 300 feet
10 of school property, as measured from any point on the school's real
11 property boundary line:

12 (A) engages in conduct specified by Subsection
13 (a); or

14 (B) possesses a firearm, as defined by 18 U.S.C.
15 Section 921;

16 (4) engages in conduct that contains the elements of
17 any offense listed in Subsection (a)(2)(A) or (C) or the offense of
18 aggravated robbery under Section 29.03, Penal Code, against another
19 student, without regard to whether the conduct occurs on or off of
20 school property or while attending a school-sponsored or
21 school-related activity on or off of school property; ~~or~~

22 (5) engages in conduct that contains the elements of
23 the offense of breach of computer security under Section 33.02,
24 Penal Code, if:

25 (A) the conduct involves accessing a computer,
26 computer network, or computer system owned by or operated on behalf
27 of a school district; and

(B) the student knowingly:

(i) alters, damages, or deletes school district property or information; or

(ii) commits a breach of any other computer, computer network, or computer system; or

(6) while on school property or while attending a school-sponsored or school-related activity on or off of school property uses, exhibits, or possesses:

(A) a knife with a blade over five and one-half inches;

(B) a hand instrument designed to cut or stab another by being thrown;

(C) a dagger, including a dirk, stiletto, and poniard;

(D) a bowie knife;

(E) a sword; or

(F) a spear.

SECTION 2. Section 52.031(a), Family Code, is amended to read as follows:

(a) A juvenile board may establish a first offender program under this section for the referral and disposition of children taken into custody, or accused prior to the filing of a criminal charge, of:

(1) conduct indicating a need for supervision;

(2) a Class C misdemeanor, other than a traffic offense; or

(3) delinquent conduct other than conduct that

1 constitutes:

2 (A) a felony of the first, second, or third
3 degree, an aggravated controlled substance felony, or a capital
4 felony; or

5 (B) a state jail felony or misdemeanor involving
6 violence to a person or the use or possession of a firearm[~~, illegal~~
7 ~~knife,~~] or club, as those terms are defined by Section 46.01, Penal
8 Code, or a prohibited weapon, as described by Section 46.05, Penal
9 Code.

10 SECTION 3. Section 53.01(d), Family Code, is amended to
11 read as follows:

12 (d) Unless the juvenile board approves a written procedure
13 proposed by the office of prosecuting attorney and chief juvenile
14 probation officer which provides otherwise, if it is determined
15 that the person is a child and, regardless of a finding of probable
16 cause, or a lack thereof, there is an allegation that the child
17 engaged in delinquent conduct of the grade of felony, or conduct
18 constituting a misdemeanor offense involving violence to a person
19 or the use or possession of a firearm[~~, illegal knife,~~] or club, as
20 those terms are defined by Section 46.01, Penal Code, or prohibited
21 weapon, as described by Section 46.05, Penal Code, the case shall be
22 promptly forwarded to the office of the prosecuting attorney,
23 accompanied by:

24 (1) all documents that accompanied the current
25 referral; and

26 (2) a summary of all prior referrals of the child to
27 the juvenile court, juvenile probation department, or a detention

1 facility.

2 SECTION 4. Section 46.02(a), Penal Code, is amended to read
3 as follows:

4 (a) A person commits an offense if the person:

5 (1) intentionally, knowingly, or recklessly carries
6 on or about his or her person a handgun[, ~~illegal knife~~,] or club;
7 and

8 (2) [~~if the person~~] is not:

9 (A) [~~(1)~~] on the person's own premises or
10 premises under the person's control; or

11 (B) [~~(2)~~] inside of or directly en route to a
12 motor vehicle or watercraft that is owned by the person or under the
13 person's control.

14 SECTION 5. Section 46.03(a), Penal Code, is amended to read
15 as follows:

16 (a) A person commits an offense if the person intentionally,
17 knowingly, or recklessly possesses or goes with a firearm, [~~illegal~~
18 ~~knife~~,] club, or prohibited weapon listed in Section 46.05(a):

19 (1) on the physical premises of a school or
20 educational institution, any grounds or building on which an
21 activity sponsored by a school or educational institution is being
22 conducted, or a passenger transportation vehicle of a school or
23 educational institution, whether the school or educational
24 institution is public or private, unless:

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

27 (B) the person possesses or goes with a concealed

1 handgun that the person is licensed to carry under Subchapter H,
2 Chapter 411, Government Code, and no other weapon to which this
3 section applies, on the premises of an institution of higher
4 education or private or independent institution of higher
5 education, on any grounds or building on which an activity
6 sponsored by the institution is being conducted, or in a passenger
7 transportation vehicle of the institution;

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

10 (3) on the premises of any government court or offices
11 utilized by the court, unless pursuant to written regulations or
12 written authorization of the court;

13 (4) on the premises of a racetrack;

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

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

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

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

24 SECTION 6. Section 46.06(a), Penal Code, is amended to read
25 as follows:

26 (a) A person commits an offense if the person:

27 (1) sells, rents, leases, loans, or gives a handgun to

1 any person knowing that the person to whom the handgun is to be
2 delivered intends to use it unlawfully or in the commission of an
3 unlawful act;

4 (2) intentionally or knowingly sells, rents, leases,
5 or gives or offers to sell, rent, lease, or give to any child
6 younger than 18 years of age any firearm or ~~club~~ ~~or illegal~~
7 ~~knife~~];

8 (3) intentionally, knowingly, or recklessly sells a
9 firearm or ammunition for a firearm to any person who is
10 intoxicated;

11 (4) knowingly sells a firearm or ammunition for a
12 firearm to any person who has been convicted of a felony before the
13 fifth anniversary of the later of the following dates:

14 (A) the person's release from confinement
15 following conviction of the felony; or

16 (B) the person's release from supervision under
17 community supervision, parole, or mandatory supervision following
18 conviction of the felony;

19 (5) sells, rents, leases, loans, or gives a handgun to
20 any person knowing that an active protective order is directed to
21 the person to whom the handgun is to be delivered; or

22 (6) knowingly purchases, rents, leases, or receives as
23 a loan or gift from another a handgun while an active protective
24 order is directed to the actor.

25 SECTION 7. Sections 46.01(6) and 46.15(e), Penal Code, are
26 repealed.

27 SECTION 8. The changes in law made by this Act apply only to

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

9 SECTION 9. This Act takes effect September 1, 2017.