

By: Frullo

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(a), Education Code, is amended to read as follows:

(a) Except as provided by Subsection (k), a student shall be expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:

(1) engages in conduct that contains the elements of the offense of unlawfully carrying weapons under Section 46.02, Penal Code, or elements of an offense relating to prohibited weapons under Section 46.05, Penal Code;

(2) engages in conduct that contains the elements of the offense of:

(A) aggravated assault under Section 22.02, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(B) arson under Section 28.02, Penal Code;

(C) murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or criminal attempt, under Section 15.01, Penal Code, to commit murder or capital murder;

(D) indecency with a child under Section 21.11,

1 Penal Code;

2 (E) aggravated kidnapping under Section 20.04,

3 Penal Code;

4 (F) aggravated robbery under Section 29.03,

5 Penal Code;

6 (G) manslaughter under Section 19.04, Penal
7 Code;

8 (H) criminally negligent homicide under Section
9 19.05, Penal Code; or

10 (I) continuous sexual abuse of young child or
11 children under Section 21.02, Penal Code; [~~or~~]

12 (3) engages in conduct specified by Section
13 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony; or

14 (4) uses, exhibits, or possesses:

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

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

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

21 (D) a bowie knife;

22 (E) a sword; or

23 (F) a spear.

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

26 (a) A juvenile board may establish a first offender program
27 under this section for the referral and disposition of children

1 taken into custody, or accused prior to the filing of a criminal
2 charge, of:

3 (1) conduct indicating a need for supervision;

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

6 (3) delinquent conduct other than conduct that
7 constitutes:

8 (A) a felony of the first, second, or third
9 degree, an aggravated controlled substance felony, or a capital
10 felony; or

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

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

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

1 promptly forwarded to the office of the prosecuting attorney,
2 accompanied by:

3 (1) all documents that accompanied the current
4 referral; and

5 (2) a summary of all prior referrals of the child to
6 the juvenile court, juvenile probation department, or a detention
7 facility.

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

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

11 (1) intentionally, knowingly, or recklessly carries
12 on or about his or her person a handgun~~[, illegal knife,~~ or club;
13 and

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

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

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

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

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

25 (1) on the physical premises of a school or
26 educational institution, any grounds or building on which an
27 activity sponsored by a school or educational institution is being

1 conducted, or a passenger transportation vehicle of a school or
2 educational institution, whether the school or educational
3 institution is public or private, unless:

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

6 (B) the person possesses or goes with a concealed
7 handgun that the person is licensed to carry under Subchapter H,
8 Chapter 411, Government Code, and no other weapon to which this
9 section applies, on the premises of an institution of higher
10 education or private or independent institution of higher
11 education, on any grounds or building on which an activity
12 sponsored by the institution is being conducted, or in a passenger
13 transportation vehicle of the institution;

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

16 (3) on the premises of any government court or offices
17 utilized by the court, unless pursuant to written regulations or
18 written authorization of the court;

19 (4) on the premises of a racetrack;

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

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

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

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

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

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

6 (1) sells, rents, leases, loans, or gives a handgun to
7 any person knowing that the person to whom the handgun is to be
8 delivered intends to use it unlawfully or in the commission of an
9 unlawful act;

10 (2) intentionally or knowingly sells, rents, leases,
11 or gives or offers to sell, rent, lease, or give to any child
12 younger than 18 years of age any firearm or ~~club~~ ~~or illegal~~
13 ~~knife~~;

14 (3) intentionally, knowingly, or recklessly sells a
15 firearm or ammunition for a firearm to any person who is
16 intoxicated;

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

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

22 (B) the person's release from supervision under
23 community supervision, parole, or mandatory supervision following
24 conviction of the felony;

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

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

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

6 SECTION 8. 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 9. This Act takes effect September 1, 2017.