

By: Creighton, et al.

S.B. No. 349

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prosecution of the offense of possessing a weapon in
3 certain prohibited places associated with schools or postsecondary
4 educational 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 postsecondary educational institution, on any grounds or building
13 owned by and under the control of a school or postsecondary
14 educational institution and on which an activity sponsored by the
15 ~~[a]~~ school or ~~[educational]~~ institution is being conducted, or in a
16 passenger transportation vehicle of a school or postsecondary
17 educational institution, whether the school or postsecondary
18 educational institution is public or private, unless:

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

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

1 institution [~~an institution of higher education or private or~~
2 ~~independent institution of higher education~~], on any grounds or
3 building owned by and under the control of the institution and on
4 which an activity sponsored by the institution is being conducted,
5 or in a passenger transportation vehicle of the institution;

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

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

11 (4) on the premises of a racetrack;

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

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

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

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

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

24 (1-a) "Postsecondary educational institution" means
25 an institution of higher education or a private or independent
26 institution of higher education.

27 SECTION 3. The change in law made by this Act applies only

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

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