

By: Creighton, et al.  
(Metcalf)

S.B. No. 349

Substitute the following for S.B. No. 349:

By: Metcalf

C.S.S.B. No. 349

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of possessing a weapon in certain prohibited places associated with schools or postsecondary 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 of a school or postsecondary educational institution, on any grounds or building owned by and under the control of a school or postsecondary educational institution and on which an activity sponsored by the ~~a~~ school or ~~educational~~ institution is being conducted, or in a passenger transportation vehicle of a school or postsecondary educational institution, whether the school or postsecondary 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 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 Subdivisions (1-a) and (2-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 (2-a) "School" means an accredited primary or

1 secondary school.

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

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