By:  Creighton S.B. No. 117

(In the Senate - Filed November 12, 2018; February 1, 2019, read first time and referred to Committee on State Affairs; April 25, 2019, reported favorably by the following vote: Yeas 7, Nays 1; April 25, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Huffman         X

Hughes          X

Birdwell        X

Creighton       X

Fallon          X

Hall            X

Lucio                     X

Nelson          X

Zaffirini           X

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

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

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

(4)  on the premises of a racetrack;

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

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

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

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

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

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

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

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

SECTION 4.  This Act takes effect September 1, 2019.

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