

By: Creighton

S.B. No. 117

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

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

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

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

12 (4) on the premises of a racetrack;

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

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

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

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

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

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

1           (2-a) "School" means an accredited primary or  
2 secondary school.

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

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