

By: Anchia

H.B. No. 1768

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the prosecution of certain offenses involving the  
3 carrying of weapons at amusement parks or locations associated with  
4 schools or other 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,  
10 location-restricted knife, club, or prohibited weapon listed in  
11 Section 46.05(a):

12 (1) on the ~~[physical]~~ premises, campus, or grounds of  
13 a school or other educational institution, on any grounds or  
14 building on which an activity sponsored by a school or other  
15 educational institution is being conducted or is regularly  
16 conducted, or in a passenger transportation vehicle of a school or  
17 other educational institution, whether the school or ~~[educational]~~  
18 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, campus, or grounds of an

1 institution of higher education or a private or independent  
2 institution of higher education, on any grounds or building on  
3 which an activity sponsored by the institution is being conducted  
4 or is regularly conducted, or in a passenger transportation vehicle  
5 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 amending Subdivision (1) and adding Subdivisions (1-a) and (1-b) to  
24 read as follows:

25 (1) "Educational institution" means:

26 (A) a school;

27 (B) a postsecondary educational institution; or

1                   (C) a library, children's nursery, day-care  
2 facility, or after-school program operated by a public or private  
3 school or postsecondary educational institution.

4                   (1-a) "Institution of higher education" and "private  
5 or independent institution of higher education" have the meanings  
6 assigned by Section 61.003, Education Code.

7                   (1-b) "Postsecondary educational institution" means  
8 any public or private institution that provides courses of  
9 instruction beyond those offered in secondary schools. The term  
10 includes:

11                   (A) a proprietary, vocational, or technical  
12 school; and

13                   (B) an institution of higher education or a  
14 private or independent institution of higher education.

15                   SECTION 3. Section 46.035(f)(1), Penal Code, is amended to  
16 read as follows:

17                   (1) "Amusement park" means a permanent indoor or  
18 outdoor facility or park where amusement rides are available for  
19 use by the public that ~~[is located in a county with a population of~~  
20 ~~more than one million,~~] encompasses at least 10 ~~[75]~~ acres in  
21 surface area, is enclosed with access only through controlled  
22 entries, ~~[is open for operation more than 120 days in each calendar~~  
23 ~~year,~~] and has security guards on the premises at all times. ~~[The~~  
24 ~~term does not include any public or private driveway, street,~~  
25 ~~sidewalk or walkway, parking lot, parking garage, or other parking~~  
26 ~~area.]~~

27                   SECTION 4. 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 5. This Act takes effect September 1, 2021.