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;

(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;

(7) on the premises of a business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, if the business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption, as determined by the Texas Alcoholic
Beverage Commission under Section 104.06, Alcoholic Beverage Code;
(8) on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the person is a participant in the event and a firearm, location-restricted knife, club, or prohibited weapon listed in Section 46.05(a) is used in the event;
(9) on the premises of a correctional facility;
(10) on the premises of a civil commitment facility;
(11) on the premises of a hospital licensed under Chapter 241, Health and Safety Code, or on the premises of a nursing facility licensed under Chapter 242, Health and Safety Code, unless the person has written authorization of the hospital or nursing facility administration, as appropriate;
(12) on the premises of a mental hospital, as defined by Section 571.003, Health and Safety Code, unless the person has written authorization of the mental hospital administration;
(13) in an amusement park; or
(14) in the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to Chapter 551, Government Code, and if the entity provided notice as required by that chapter.

SECTION 2. Section 46.03(c), Penal Code, is amended by adding Subdivisions (3-a) and (4-a) to read as follows:

(3-a) "Postsecondary educational institution" means an institution of higher education or a private or independent institution of higher education.
(4-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, 2023.
H.B. No. 1760

President of the Senate

Speaker of the House

I certify that H.B. No. 1760 was passed by the House on April 18, 2023, by the following vote: Yeas 100, Nays 47, 1 present, not voting.

______________________________
Chief Clerk of the House

I certify that H.B. No. 1760 was passed by the Senate on May 11, 2023, by the following vote: Yeas 23, Nays 7.

______________________________
Secretary of the Senate

APPROVED: ____________________

Date

________________________
Governor