

AN ACT

relating to the places where weapons are prohibited and to the application of criminal trespass laws to persons licensed to carry a concealed handgun.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 30.05, Penal Code, is amended by adding Subsection (f) to read as follows:

(f) It is a defense to prosecution under this section that:

(1) the basis on which entry on the property or land or in the building was forbidden is that entry with a handgun was forbidden; and

(2) the person was carrying a concealed handgun and a license issued under Subchapter H, Chapter 411, Government Code, to carry a concealed handgun of the same category the person was carrying.

SECTION 2. Section 30.06, Penal Code, is amended by adding Subsection (e) to read as follows:

(e) It is an exception to the application of this section that the property on which the license holder carries a handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Section 46.03 or 46.035.

SECTION 3. Subsection (a), Section 46.03, Penal Code, is amended to read as follows:

1 (a) A person commits an offense if the person intentionally,
2 knowingly, or recklessly possesses or goes with a firearm, illegal
3 knife, club, or prohibited weapon listed in Section 46.05(a):

4 (1) on the physical premises of a school or
5 educational institution, any grounds or building on which an
6 activity sponsored by a school or educational institution is being
7 conducted, or a passenger transportation vehicle of a school or
8 educational institution, whether the school or educational
9 institution is public or private, unless pursuant to written
10 regulations or written authorization of the institution;

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

13 (3) on the premises of [~~in~~] any government court or
14 offices utilized by the court, unless pursuant to written
15 regulations or written authorization of the court;

16 (4) on the premises of a racetrack;

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

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

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

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

27 SECTION 4. (a) This Act takes effect September 1, 2003.

1 (b) The change in law made by this Act applies only to an
2 offense committed on or after September 1, 2003. An offense
3 committed before September 1, 2003, is covered by the law in effect
4 when the offense was committed, and the former law is continued in
5 effect for that purpose. For purposes of this subsection, an
6 offense was committed before September 1, 2003, if any element of
7 the offense was committed before that date.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 501 passed the Senate on April 3, 2003, by a viva-voce vote; and that the Senate concurred in House amendment on May 23, 2003, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 501 passed the House, with amendment, on May 16, 2003, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor