

By: Frullo, Dutton, Kuempel, Moody, Springer,
et al.

H.B. No. 1935

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of certain knives; creating a criminal
offense.

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

SECTION 1. Section 52.031(a), Family Code, is amended to
read as follows:

(a) A juvenile board may establish a first offender program
under this section for the referral and disposition of children
taken into custody, or accused prior to the filing of a criminal
charge, of:

(1) conduct indicating a need for supervision;

(2) a Class C misdemeanor, other than a traffic
offense; or

(3) delinquent conduct other than conduct that
constitutes:

(A) a felony of the first, second, or third
degree, an aggravated controlled substance felony, or a capital
felony; or

(B) a state jail felony or misdemeanor involving
violence to a person or the use or possession of a firearm,
location-restricted ~~illegal~~ knife, or club, as those terms are
defined by Section 46.01, Penal Code, or a prohibited weapon, as
described by Section 46.05, Penal Code.

SECTION 2. Section 53.01(d), Family Code, is amended to

1 read as follows:

2 (d) Unless the juvenile board approves a written procedure
3 proposed by the office of prosecuting attorney and chief juvenile
4 probation officer which provides otherwise, if it is determined
5 that the person is a child and, regardless of a finding of probable
6 cause, or a lack thereof, there is an allegation that the child
7 engaged in delinquent conduct of the grade of felony, or conduct
8 constituting a misdemeanor offense involving violence to a person
9 or the use or possession of a firearm, location-restricted
10 ~~[illegal]~~ knife, or club, as those terms are defined by Section
11 46.01, Penal Code, or prohibited weapon, as described by Section
12 46.05, Penal Code, the case shall be promptly forwarded to the
13 office of the prosecuting attorney, accompanied by:

14 (1) all documents that accompanied the current
15 referral; and

16 (2) a summary of all prior referrals of the child to
17 the juvenile court, juvenile probation department, or a detention
18 facility.

19 SECTION 3. Section 46.01(6), Penal Code, is amended to read
20 as follows:

21 (6) "Location-restricted ~~[illegal]~~ knife" means a[+
22 ~~[(A)]~~ knife with a blade over five and one-half
23 inches[+]

24 ~~[(B) hand instrument designed to cut or stab
25 another by being thrown,~~

26 ~~[(C) dagger, including but not limited to a dirk,
27 stiletto, and poniard,~~

1 ~~[(D) bowie knife,~~

2 ~~[(E) sword, or~~

3 ~~[(F) spear].~~

4 SECTION 4. Section 46.02, Penal Code, is amended by
5 amending Subsections (a) and (b) and adding Subsections (a-4) and
6 (d) to read as follows:

7 (a) A person commits an offense if the person:

8 (1) intentionally, knowingly, or recklessly carries
9 on or about his or her person a handgun~~[, illegal knife,~~ or club;
10 and

11 (2) [if the person] is not:

12 (A) [~~(1)~~] on the person's own premises or
13 premises under the person's control; or

14 (B) [~~(2)~~] inside of or directly en route to a
15 motor vehicle or watercraft that is owned by the person or under the
16 person's control.

17 (a-4) A person commits an offense if the person:

18 (1) intentionally, knowingly, or recklessly carries
19 on or about his or her person a location-restricted knife;

20 (2) is younger than 18 years of age at the time of the
21 offense; and

22 (3) is not:

23 (A) on the person's own premises or premises
24 under the person's control;

25 (B) inside of or directly en route to a motor
26 vehicle or watercraft that is owned by the person or under the
27 person's control; or

1 (C) under the direct supervision of a parent or
2 legal guardian of the person.

3 (b) Except as provided by Subsection (c) or (d), an offense
4 under this section is a Class A misdemeanor.

5 (d) An offense under Subsection (a-4) is a Class C
6 misdemeanor.

7 SECTION 5. Section 46.03, Penal Code, is amended by
8 amending Subsections (a) and (g) and adding Subsections (a-1) and
9 (g-1) to read as follows:

10 (a) A person commits an offense if the person intentionally,
11 knowingly, or recklessly possesses or goes with a firearm,
12 location-restricted [~~illegal~~] knife, club, or prohibited weapon
13 listed in Section 46.05(a):

14 (1) on the physical premises of a school or
15 educational institution, any grounds or building on which an
16 activity sponsored by a school or educational institution is being
17 conducted, or a passenger transportation vehicle of a school or
18 educational institution, whether the school or educational
19 institution is public or private, unless:

20 (A) pursuant to written regulations or written
21 authorization of the institution; or

22 (B) the person possesses or goes with a concealed
23 handgun that the person is licensed to carry under Subchapter H,
24 Chapter 411, Government Code, and no other weapon to which this
25 section applies, on the premises of an institution of higher
26 education or private or independent institution of higher
27 education, on any grounds or building on which an activity

1 sponsored by the institution is being conducted, or in a passenger
2 transportation vehicle of the institution;

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

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

8 (4) on the premises of a racetrack;

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

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

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

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

19 (a-1) A person commits an offense if the person
20 intentionally, knowingly, or recklessly possesses or goes with a
21 location-restricted knife:

22 (1) on the premises of a business that has a permit or
23 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic
24 Beverage Code, if the business derives 51 percent or more of its
25 income from the sale or service of alcoholic beverages for
26 on-premises consumption, as determined by the Texas Alcoholic
27 Beverage Commission under Section 104.06, Alcoholic Beverage Code;

1 (2) on the premises where a high school, collegiate,
2 or professional sporting event or interscholastic event is taking
3 place, unless the person is a participant in the event and a
4 location-restricted knife is used in the event;

5 (3) on the premises of a correctional facility;

6 (4) on the premises of a hospital licensed under
7 Chapter 241, Health and Safety Code, or on the premises of a nursing
8 facility licensed under Chapter 242, Health and Safety Code, unless
9 the person has written authorization of the hospital or nursing
10 facility administration, as appropriate;

11 (5) on the premises of a mental hospital, as defined by
12 Section 571.003, Health and Safety Code, unless the person has
13 written authorization of the mental hospital administration;

14 (6) in an amusement park; or

15 (7) on the premises of a church, synagogue, or other
16 established place of religious worship.

17 (g) Except as provided by Subsection (g-1), an [An] offense
18 under this section is a felony of the third degree [~~felony~~].

19 (g-1) If the weapon that is the subject of the offense is a
20 location-restricted knife, an offense under this section is a Class
21 C misdemeanor, except that the offense is a felony of the third
22 degree if the offense is committed under Subsection (a)(1).

23 SECTION 6. Section 46.03(c)(2), Penal Code, is amended to
24 read as follows:

25 (2) "Amusement park" and "premises" have ["Premises"
26 has] the meanings [meaning] assigned by Section 46.035.

27 SECTION 7. Section 46.06(a), Penal Code, is amended to read

1 as follows:

2 (a) A person commits an offense if the person:

3 (1) sells, rents, leases, loans, or gives a handgun to
4 any person knowing that the person to whom the handgun is to be
5 delivered intends to use it unlawfully or in the commission of an
6 unlawful act;

7 (2) intentionally or knowingly sells, rents, leases,
8 or gives or offers to sell, rent, lease, or give to any child
9 younger than 18 years of age any firearm, club, or
10 location-restricted [~~illegal~~] knife;

11 (3) intentionally, knowingly, or recklessly sells a
12 firearm or ammunition for a firearm to any person who is
13 intoxicated;

14 (4) knowingly sells a firearm or ammunition for a
15 firearm to any person who has been convicted of a felony before the
16 fifth anniversary of the later of the following dates:

17 (A) the person's release from confinement
18 following conviction of the felony; or

19 (B) the person's release from supervision under
20 community supervision, parole, or mandatory supervision following
21 conviction of the felony;

22 (5) sells, rents, leases, loans, or gives a handgun to
23 any person knowing that an active protective order is directed to
24 the person to whom the handgun is to be delivered; or

25 (6) knowingly purchases, rents, leases, or receives as
26 a loan or gift from another a handgun while an active protective
27 order is directed to the actor.

1 SECTION 8. Section 46.15(e), Penal Code, is amended to read
2 as follows:

3 (e) [~~The provisions of~~] Section 46.02(a-4) does [~~46.02~~
4 ~~prohibiting the carrying of an illegal knife do~~] not apply to an
5 individual carrying a location-restricted knife [~~bowie knife or a~~
6 ~~sword~~] used in a historical demonstration or in a ceremony in which
7 the knife [~~or sword~~] is significant to the performance of the
8 ceremony.

9 SECTION 9. The changes in law made by this Act apply only to
10 an offense committed or conduct that occurs on or after the
11 effective date of this Act. An offense committed or conduct that
12 occurs before the effective date of this Act is governed by the law
13 in effect on the date the offense was committed or the conduct
14 occurred, and the former law is continued in effect for that
15 purpose. For purposes of this section, an offense is committed or
16 conduct occurs before the effective date of this Act if any element
17 of the offense or the conduct occurs before that date.

18 SECTION 10. This Act takes effect September 1, 2017.