

By: Metcalf

H.B. No. 1009

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of the offense of possessing a weapon in
3 certain prohibited places associated with schools or postsecondary
4 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 of a school or
13 postsecondary educational institution, on any grounds or building
14 owned by and under the control of a school or postsecondary
15 educational institution and on which an activity sponsored by the
16 ~~[a]~~ school or ~~[educational]~~ institution is being conducted, or in a
17 passenger transportation vehicle of a school or postsecondary
18 educational institution, whether the school or postsecondary
19 educational institution is public or private, unless:

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

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.