

1-1 By: Hefner (Senate Sponsor - Hughes) H.B. No. 1760
 1-2 (In the Senate - Received from the House April 18, 2023;
 1-3 April 19, 2023, read first time and referred to Committee on State
 1-4 Affairs; May 5, 2023, reported favorably by the following vote:
 1-5 Yeas 9, Nays 1, one present not voting; May 5, 2023, sent to
 1-6 printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14		X		
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19				X

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to the prosecution of the offense of possessing a weapon in
 1-23 certain prohibited places associated with schools or postsecondary
 1-24 educational institutions.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 46.03(a), Penal Code, is amended to read
 1-27 as follows:

1-28 (a) A person commits an offense if the person intentionally,
 1-29 knowingly, or recklessly possesses or goes with a firearm,
 1-30 location-restricted knife, club, or prohibited weapon listed in
 1-31 Section 46.05(a):

1-32 (1) on the ~~physical~~ premises of a school or
 1-33 postsecondary educational institution, on any grounds or building
 1-34 owned by and under the control of a school or postsecondary
 1-35 educational institution and on which an activity sponsored by the
 1-36 [a] school or [educational] institution is being conducted, or in a
 1-37 passenger transportation vehicle of a school or postsecondary
 1-38 educational institution, whether the school or postsecondary
 1-39 educational institution is public or private, unless:

1-40 (A) pursuant to written regulations or written
 1-41 authorization of the school or institution; or

1-42 (B) the person possesses or goes with a concealed
 1-43 handgun that the person is licensed to carry under Subchapter H,
 1-44 Chapter 411, Government Code, and no other weapon to which this
 1-45 section applies, on the premises of a postsecondary educational
 1-46 institution [an institution of higher education or private or
 1-47 independent institution of higher education], on any grounds or
 1-48 building owned by and under the control of the institution and on
 1-49 which an activity sponsored by the institution is being conducted,
 1-50 or in a passenger transportation vehicle of the institution;

1-51 (2) on the premises of a polling place on the day of an
 1-52 election or while early voting is in progress;

1-53 (3) on the premises of any government court or offices
 1-54 utilized by the court, unless pursuant to written regulations or
 1-55 written authorization of the court;

1-56 (4) on the premises of a racetrack;

1-57 (5) in or into a secured area of an airport;

1-58 (6) within 1,000 feet of premises the location of
 1-59 which is designated by the Texas Department of Criminal Justice as a
 1-60 place of execution under Article 43.19, Code of Criminal Procedure,
 1-61 on a day that a sentence of death is set to be imposed on the

2-1 designated premises and the person received notice that:
2-2 (A) going within 1,000 feet of the premises with
2-3 a weapon listed under this subsection was prohibited; or
2-4 (B) possessing a weapon listed under this
2-5 subsection within 1,000 feet of the premises was prohibited;
2-6 (7) on the premises of a business that has a permit or
2-7 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic
2-8 Beverage Code, if the business derives 51 percent or more of its
2-9 income from the sale or service of alcoholic beverages for
2-10 on-premises consumption, as determined by the Texas Alcoholic
2-11 Beverage Commission under Section 104.06, Alcoholic Beverage Code;
2-12 (8) on the premises where a high school, collegiate,
2-13 or professional sporting event or interscholastic event is taking
2-14 place, unless the person is a participant in the event and a
2-15 firearm, location-restricted knife, club, or prohibited weapon
2-16 listed in Section 46.05(a) is used in the event;
2-17 (9) on the premises of a correctional facility;
2-18 (10) on the premises of a civil commitment facility;
2-19 (11) on the premises of a hospital licensed under
2-20 Chapter 241, Health and Safety Code, or on the premises of a nursing
2-21 facility licensed under Chapter 242, Health and Safety Code, unless
2-22 the person has written authorization of the hospital or nursing
2-23 facility administration, as appropriate;
2-24 (12) on the premises of a mental hospital, as defined
2-25 by Section 571.003, Health and Safety Code, unless the person has
2-26 written authorization of the mental hospital administration;
2-27 (13) in an amusement park; or
2-28 (14) in the room or rooms where a meeting of a
2-29 governmental entity is held, if the meeting is an open meeting
2-30 subject to Chapter 551, Government Code, and if the entity provided
2-31 notice as required by that chapter.
2-32 SECTION 2. Section 46.03(c), Penal Code, is amended by
2-33 adding Subdivisions (3-a) and (4-a) to read as follows:
2-34 (3-a) "Postsecondary educational institution" means
2-35 an institution of higher education or a private or independent
2-36 institution of higher education.
2-37 (4-a) "School" means an accredited primary or
2-38 secondary school.
2-39 SECTION 3. The change in law made by this Act applies only
2-40 to an offense committed on or after the effective date of this Act.
2-41 An offense committed before the effective date of this Act is
2-42 governed by the law in effect on the date the offense was committed,
2-43 and the former law is continued in effect for that purpose. For
2-44 purposes of this section, an offense was committed before the
2-45 effective date of this Act if any element of the offense occurred
2-46 before that date.
2-47 SECTION 4. This Act takes effect September 1, 2023.

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