

By: Patrick

H.B. No. 2112

A BILL TO BE ENTITLED

AN ACT

1
2 relating to banning handguns and certain other weapons from parking
3 areas associated with schools or educational institutions;
4 providing criminal penalties.

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

6 SECTION 1. Sections 46.03(a) and (b), Penal Code, are
7 amended to read as follows:

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

11 (1) on the physical premises of a school or
12 educational institution, any grounds or building on which an
13 activity sponsored by a school or educational institution is being
14 conducted, or a passenger transportation vehicle of a school or
15 educational institution, whether the school or educational
16 institution is public or private, unless pursuant to written
17 regulations or written authorization of the school or institution;

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

20 (3) on the premises of any government court or offices
21 utilized by the court, unless pursuant to written regulations or
22 written authorization of the court;

23 (4) on the premises of a racetrack;

24 (5) in or into a secured area of an airport; [~~or~~]

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

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

8 (B) possessing a weapon listed under this
9 subsection within 1,000 feet of the premises was prohibited; or

10 (7) in or on any real property that is owned or leased
11 by a public or private school or educational institution and
12 routinely used by the faculty, staff, students, or visitors of the
13 school or educational institution, including a parking lot, parking
14 garage, or other parking area.

15 (b) It is a defense to prosecution under Subsections
16 (a)(1)-(4) and (7) that the actor possessed a firearm while in the
17 actual discharge of his official duties as a member of the armed
18 forces or national guard or a guard employed by a penal institution,
19 or an officer of the court.

20 SECTION 2. The changes in law made by this Act apply only to
21 an offense committed on or after the effective date of this Act. An
22 offense committed before the effective date of this Act is covered
23 by the law in effect at the time the offense was committed, and the
24 former law is continued in effect for that purpose. For purposes of
25 this section, an offense was committed before the effective date of
26 this Act if any element of the offense was committed before that
27 date.

1 SECTION 3. This Act takes effect September 1, 2007.