

By: Kleinschmidt

H.B. No. 1078

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of concealed handguns on certain premises of or locations associated with institutions of higher education.

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

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

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

(1) on the ~~[physical]~~ premises of a school or ~~[educational]~~ institution of higher education or private or independent institution of higher education, any grounds or building on which an activity sponsored by a school or ~~[educational]~~ institution of higher education or private or independent institution of higher education is being conducted, or a passenger transportation vehicle of a school or ~~[educational]~~ institution of higher education or private or independent institution of higher education, whether the school or ~~[educational]~~ institution is public or private, unless:

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

(B) the person possesses or goes with a concealed handgun that the person is licensed to carry pursuant to a license issued under Subchapter H, Chapter 411, Government Code, on the

1 premises of an institution of higher education or private or
2 independent institution of higher education, on any grounds or
3 building on which an activity sponsored by the institution is being
4 conducted, or on a passenger transportation vehicle of the
5 institution;

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

8 (3) on the premises of any government court or offices
9 utilized by the court, unless pursuant to written regulations or
10 written authorization of the court;

11 (4) on the premises of a racetrack;

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

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

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

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

22 (c) In this section:

23 (1) "Institution of higher education" and "private or
24 independent institution of higher education" have the meanings
25 assigned by Section 61.003, Education Code.

26 (2) [~~1~~] "Premises" has the meaning assigned by
27 Section 46.035.

1 (3) [~~(2)~~] "Secured area" means an area of an airport
2 terminal building to which access is controlled by the inspection
3 of persons and property under federal law.

4 SECTION 2. Section 46.035, Penal Code, is amended by adding
5 Subsection (1) to read as follows:

6 (1) Subsection (b)(2) does not apply on the premises where a
7 collegiate sporting event is taking place if the actor was not given
8 effective notice under Section 30.06.

9 SECTION 3. The change in law made by this Act applies only
10 to an offense committed on or after the effective date of this Act.
11 An offense committed before the effective date of this Act is
12 governed by the law in effect on the date the offense was committed,
13 and the former law is continued in effect for that purpose. For
14 purposes of this section, an offense was committed before the
15 effective date of this Act if any element of the offense occurred
16 before that date.

17 SECTION 4. This Act takes effect September 1, 2013.