

BILL ANALYSIS

H.B. 554
By: Springer
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that airports in Dallas and Houston are among those at which the Transportation Security Administration has reported the discovery of handguns at the screening checkpoints for secured areas. Currently, travelers found carrying a handgun and certain other weapons in or into the secured area of an airport are subject to immediate arrest and confiscation of the handgun. These parties contend that many of the travelers carrying handguns are concealed handgun license holders who have grown accustomed to having the handgun and have forgotten that they have the handgun with them. This has been likened to travelers who forget that they are wearing a ring or a brace at a screening checkpoint. While there is no interest among these parties in changing the penalty for those who intentionally, knowingly, or recklessly bring a firearm into secured areas of an airport, there is concern that there should be a reasonable alternative to immediate arrest and confiscation so a responsible, but forgetful, concealed handgun license holder can return a responsibly maintained firearm to the license holder's car or home. H.B. 554 seeks to provide such an alternative.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 554 amends the Penal Code to establish a defense to prosecution for the offense of intentionally, knowingly, or recklessly possessing or going with a firearm, illegal knife, club, or certain prohibited weapon in or into a secured area of an airport if the actor possessed, at the screening checkpoint for the secured area, a concealed handgun that the actor was licensed to carry and exited the screening checkpoint for the secured area immediately on notification that the actor possessed the handgun. The bill prohibits a peace officer investigating conduct that may constitute such an offense and that consists only of an actor's possession of a concealed handgun that the actor is licensed to carry from arresting the actor for the offense unless the officer advises the actor of that defense to prosecution and gives the actor an opportunity to exit the screening checkpoint for the secured area and the actor does not immediately exit the checkpoint.

EFFECTIVE DATE

September 1, 2015.