

## **BILL ANALYSIS**

C.S.S.B. 349  
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Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised that ambiguity in the law with regard to the places where a handgun license holder may carry a weapon as it pertains to schools and institutions of higher education is resulting in a more restrictive interpretation of that law than originally intended. C.S.S.B. 349 seeks to clarify the premises of a school or postsecondary educational institution on which the carrying of a handgun constitutes an offense.

### **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**

C.S.S.B. 349 amends the Penal Code to change the premises of a school or educational institution on which the intentional, knowing, or reckless possession of or going with a firearm, illegal knife, club, or prohibited weapon constitutes an offense from the physical premises of a school or educational institution, on any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or in a school or educational institution's passenger transportation vehicle, whether the school or institution is public or private, to the premises of a school or postsecondary educational institution, on any grounds or buildings owned by and under the control of a school or postsecondary educational institution and on which an activity sponsored by the school or institution is being conducted, or in a school or postsecondary educational institution's passenger transportation vehicle, whether the school or institution is public or private. The bill, for purposes of that offense, defines "postsecondary educational institution" as a public institution of higher education or a private or independent institution of higher education and "school" as an accredited primary or secondary school.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 349 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Section 46.03(a), Penal Code, is amended.

SECTION 2. Section 46.03(c), Penal Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Postsecondary educational institution" means an institution of higher education or a private or independent institution of higher education.

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

SECTION 4. This Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as engrossed version.

SECTION 2. Section 46.03(c), Penal Code, is amended by adding Subdivisions (1-a) and (2-a) to read as follows:

(1-a) "Postsecondary educational institution" means an institution of higher education or a private or independent institution of higher education.

(2-a) "School" means an accredited primary or secondary school.

SECTION 3. Same as engrossed version.

SECTION 4. Same as engrossed version.