

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 2054  
By: West  
State Affairs  
4/27/2017  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Dallas/Fort Worth International Airport (DFW), with support from the Texas Commercial Airports Association, is seeking a remedy for an identified security concern. Since 2015, DFW airport has reported 12 incidents where airport, airline, or other industry-affiliated employees have knowingly or without regard breached security protocols by bringing firearms within secure airport operation areas inside their company vehicles. Current Texas law does not address this problem.

The airport operation area is where commercial aircraft park (taxi) adjacent to an airport terminal for boarding, also called the tarmac or ramp. Current state law defines only the secure locations inside an airport terminal as areas where firearms cannot be brought. S.B. 2054 would extend those protections to the tarmac/airport operation areas.

Airport security officials' concerns grow over the prospect of insider-based threats. The need to act has become urgent after the dozen incidents at DFW and others around the nation. Last year, Transportation Security Administration officials discovered that baggage handlers had smuggled drugs and over 120 firearms from Hartsfield-Jackson airport in Atlanta to New York. In addition, Delta Airlines employees working at Minneapolis-St. Paul airport were successfully recruited to join ISIS.

S.B. 2054 would expand airport secure areas, now limited to inside airport terminals, to include tarmacs and ramp areas inside an airport that are restricted to airport personnel and ticketed passengers in smaller airports (where passengers walk to board aircraft). Airport operations areas are normally secured by a perimeter fence and include checkpoints. Airline passengers are prohibited from entering these areas. S.B. 2054 would add teeth to signage that would be placed at airport checkpoints. Civilian-owned firearms would be prohibited in these areas.

S.B. 2054 will create an exception for general aviation areas of an airport to allow airport customers (and their employees) who own or use private aircraft to legally carry their firearms within the general aviation areas of an airport.

S.B. 2054 would create a third degree felony offense for a person to intentionally, knowingly, or recklessly bring a firearm into a secure airport operation area. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 2054 amends current law relating to the offense of possessing a weapon in a secured area of an airport.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 46.03(c)(3), Penal Code, to redefine "secured area" to mean an area of an airport terminal building or of an adjacent aircraft parking area used by common carriers in air transportation but not used by general aviation, and to which access is controlled

under federal law, rather than an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law. Makes nonsubstantive changes.

SECTION 2. Amends Section 46.03(e), Penal Code, as follows:

(a) Provides that it is an exception to the application of, rather than a defense to prosecution under, Subsection (a)(5) (relating to the commission of an offense if a person with a certain state of mind goes with a certain weapon in or into a secured area of an airport) that the actor:

(1) creates this subdivision from existing text and makes no further changes; or

(2) was authorized by a federal agency to possess a firearm in a secured area.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2017.