

BILL ANALYSIS

Senate Research Center
85R4561 KJE-F

S.B. 349
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State Affairs
4/21/2017
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In the Texas Penal Code, Section 46.03(a)(1), it could be inferred that guns are prohibited on any grounds on which school sponsored activities are taking place. School sponsored activities can include field trips, athletic events, band competitions, etc. Although these activities may not occur on the premises owned by and under the control of a school district, it could be interpreted that the premises are necessary for the school activity and thus guns are prohibited. This could put law-abiding, licensed to carry holders in an illegal situation if a group of school children are present at the same premises.

S.B. 349 clarifies that guns are only prohibited on the premises of a school or postsecondary educational institution if it is owned and controlled by a school district and if school sponsored activities are taking place. This bill creates uniformity across the state that licensed to carry holders can depend on.

As proposed, S.B. 349 amends current law relating to the prosecution of the offense of possessing a weapon in certain prohibited places associated with schools or postsecondary educational institutions.

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(a), Penal Code, as follows:

(a) Provides that a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with certain weapons:

(1) on the premises of a school or postsecondary educational institution (PEI), on any grounds or building owned by and under the control of a school or PEI and on which an activity sponsored by the school or PEI is being conducted, or in a certain vehicle, whether the school or PEI is public or private, rather than on the physical premises of a school or PEI, any grounds or building on which an activity sponsored by a school or PEI is being conducted, or a certain vehicle, whether the school or PEI is public or private, unless:

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

(B) the person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H (License to Carry a Handgun), Chapter 411 (Department of Public Safety of the State of Texas), Government Code, and no other weapon to which this section (Places Weapons Prohibited) applies, on the premises of a PEI, on any grounds or building owned by and under the control of the PEI and on which a certain activity is being conducted, or in a certain vehicle, rather than on the

premises of an institution of higher education (IHE) or private or independent IHE, on any grounds or building on which a certain activity is being conducted, or in a certain vehicle;

(2) through (6) makes no changes to these subdivisions.

SECTION 2. Amends Section 46.03(c), Penal Code, by adding Subdivision (1-a), to define "postsecondary educational institution."

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2017.