

BILL ANALYSIS

Senate Research Center
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S.B. 117
By: Creighton
State Affairs
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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, License to Carry holders in an illegal situation if a group of school children are present at the same premises.

S.B. 117 would clarify 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 License to Carry holders can depend on.

As proposed, S.B. 117 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 a firearm, location-restricted knife, club, or prohibited weapon listed in Section 46.05(a) (relating to a person committing an offense if the person intentionally or knowingly possesses, manufactures, transports, repairs, or sells certain weapons):

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

(A) makes a conforming change;

(B) makes conforming changes;

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

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

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2019.