

Making it a crime to possess a weapon on backside of airport terminal

HB 1168 by Anchia (West)

Digest

HB 1168 would have expanded the offense of possessing or carrying a firearm or other restricted or prohibited weapon in or into a secured area of an airport to include possessing or carrying a weapon in or into an adjacent aircraft parking area used by common carriers in air transportation but not used by general aviation. The bill would have made it a defense to prosecution that the person was authorized by a federal agency or the airport operator to possess a firearm in a secured area.

Governor's reason for veto

“House Bill 1168 would impose an unacceptable restraint on the Second Amendment rights of law-abiding travelers. The Legislature may have intended simply to keep firearms off the tarmac, but the bill as drafted would newly prohibit carrying in any part of the airport terminal building, even ahead of the TSA inspection checkpoint. By vetoing this bill, I am ensuring that Texans can travel without leaving their firearms at home. I look forward to working with the next Legislature on the good idea behind this bill.”

Response

Rep. Rafael Anchia, the bill's author, said: “Gov. Greg Abbott vetoed HB 1168, legislation intended to secure airports across our state.

“HB 1168 was filed during the first month of the legislative session, and was referred to the House Committee on Homeland Security & Public Safety. The bill quickly garnered bipartisan support, bolstered by bipartisan joint authors — Chairman King (R-Parker), Rep. Tinderholt (R-Tarrant), Chairman Turner (D-Tarrant) and Rep. Meza (D-Dallas). HB 1168 was considered in a public hearing and was reported favorably by a unanimous vote of every member of the committee.

The bill received overwhelming bipartisan support in both the House and Senate chambers. The bill was sent to the governor's desk on May 21, 2019.

“Throughout the legislative process, I engaged with a broad group of stakeholders to ensure the provisions of HB 1168 were acceptable to all parties. From the National Rifle Association (NRA) and the Texas State Rifle Association (TSRA) to Dallas/Fort Worth International Airport (DFW Airport), I fielded and accepted input from all participants. After months of negotiating countless iterations of the bill, I was able to deliver what would become the enrolled version of HB 1168.

“Aviation experts have stated that ‘insider threats’ remain a primary security concern for domestic airports. Currently, it is against federal law for an employee, such as a baggage handler, to possess a weapon in the Airport Operations Area (i.e., airside, ramp or tarmac). Due to limited resources, federal agents do not have the capacity to respond to these cases. HB 1168 would make it a state crime to possess a prohibited weapon in these restricted areas, which would in turn provide our state officials the same jurisdiction as federal agents to address these issues.

“In 2015, Gov. Abbott penned a letter to the citizens of Texas. The opening line of the letter reads, ‘The state's first and most solemn responsibility is ensuring the security of all Texans.’ The letter's purpose was to unveil the Texas Homeland Security Strategic Plan 2015-2020 (The Plan). The Plan specifically identifies the importance of securing our state's ‘critical infrastructure’. As defined by The Plan, ‘Critical Infrastructure are those systems and assets, whether physical or virtual, so vital to the United States or the State of Texas that the incapacity or destruction of such systems and assets would have a debilitating impact on security, economic security, public health or safety, or any combination thereof.’ The Plan further mentions that ‘five of the sixteen critical infrastructure sectors in Texas are considered “lifeline sectors,” meaning that all of the other eleven sectors depend on these systems to operate.’ One of the five identified lifeline sectors includes the

‘Transportation Systems Sector: Aviation Sub-Sector.’

“Per The Plan, Texas’ general aviation sector includes more than 225 public-use airports and 21 international airports located throughout the state. Texas is home to six of the top 50 busiest airports in the nation by annual passengers boarded. These include DFW Airport (#4), Houston George Bush Intercontinental (#15), Dallas Love Field (#31), Austin-Bergstrom International Airport (#33), William P. Hobby Airport (#36), and San Antonio International Airport (#43).

“HB 1168 was a good-faith attempt to protect the citizens of Texas and our visitors from threats of harm, and mitigate the potential dangers that may result in the loss of life. The bill was a byproduct of thoughtful deliberations and bipartisan compromise.

“House Bill 1168, a public safety bill related to our nation’s critical infrastructure, was vetoed by Gov. Greg Abbott on June 15, 2019.

“The Airport Safety Bill was about helping local law enforcement protect airport passengers. Making sure people with guns can’t get on the tarmac is common sense. The legislature gets it. The governor didn’t.”

Sen. Royce West, the Senate sponsor, said: “The intent of the bill was of course to keep firearms out of secure areas at an airport, such as the tarmac. While I am disappointed in the veto, I am pleased that the governor also sees the merit in this idea.”

Notes

The HRO analysis of [HB 1168](#) appeared in Part Two of the April 23 *Daily Floor Report*.
