

PC §46.03. PLACES WEAPONS PROHIBITED.

Text of subsection effective until Aug. 1, 2016

- (a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(a):
 - (1) on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless pursuant to written regulations or written authorization of the institution;
 - (2) on the premises of a polling place on the day of an election or while early voting is in progress;
 - (3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;
 - (4) on the premises of a racetrack;
 - (5) in or into a secured area of an airport; or
 - (6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:
 - (A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or
 - (B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited.

Text of subsection effective on Aug. 1, 2016

- (a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(a):
 - (1) on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless:
 - (A) pursuant to written regulations or written authorization of the institution; or
 - (B) the person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H, Chapter 411, Government Code, and no other weapon to which this section applies, on the premises of an institution of higher education or private or independent institution of higher education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution;
 - (2) on the premises of a polling place on the day of an election or while early voting is in progress;

- (3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;
- (4) on the premises of a racetrack;
- (5) in or into a secured area of an airport; or
- (6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:
 - (A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or
 - (B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited.
- (b) It is a defense to prosecution under Subsections (a)(1)-(4) that the actor possessed a firearm while in the actual discharge of his official duties as a member of the armed forces or national guard or a guard employed by a penal institution, or an officer of the court.

Text of subsection effective until Aug. 1, 2016

- (c) In this section:
 - (1) "Premises" has the meaning assigned by Section 46.035.
 - (2) "Secured area" means an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law.

Text of subsection effective on Aug. 1, 2016

- (c) In this section:
 - (1) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.
 - (2) "Premises" has the meaning assigned by Section 46.035.
 - (3) "Secured area" means an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law.
- (d) It is a defense to prosecution under Subsection (a)(5) that the actor possessed a firearm or club while traveling to or from the actor's place of assignment or in the actual discharge of duties as:
 - (1) a member of the armed forces or national guard;
 - (2) a guard employed by a penal institution; or
 - (3) a security officer commissioned by the Texas Private Security Board if:
 - (A) the actor is wearing a distinctive uniform; and
 - (B) the firearm or club is in plain view; or
 - (4) a security officer who holds a personal protection authorization under Chapter 1702, Occupations Code, provided that the officer is either:
 - (A) wearing the uniform of a security officer, including any uniform or apparel described by Section 1702.323(d), Occupations Code, and carrying the officer's firearm in plain view; or

(B) not wearing the uniform of a security officer and carrying the officer's firearm in a concealed manner.

(e) It is a defense to prosecution under Subsection (a)(5) that the actor checked all firearms as baggage in accordance with federal or state law or regulations before entering a secured area.

(e-1) It is a defense to prosecution under Subsection (a)(5) that the actor:

- (1) possessed, at the screening checkpoint for the secured area, a concealed handgun that the actor was licensed to carry under Subchapter H, Chapter 411, Government Code; and
- (2) exited the screening checkpoint for the secured area immediately upon completion of the required screening processes and notification that the actor possessed the handgun.

(e-2) A peace officer investigating conduct that may constitute an offense under Subsection (a)(5) and that consists only of an actor's possession of a concealed handgun that the actor is licensed to carry under Subchapter H, Chapter 411, Government Code, may not arrest the actor for the offense unless:

- (1) the officer advises the actor of the defense available under Subsection (e-1) and gives the actor an opportunity to exit the screening checkpoint for the secured area; and
- (2) the actor does not immediately exit the checkpoint upon completion of the required screening processes.

***Text of subsection as amended by Acts 2015, 84th Leg., R.S.,
Ch. 1001 (H.B. 554), Sec. 1***

(f) Except as provided by Subsection (e-1), it is not a defense to prosecution under this section that the actor possessed a handgun and was licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code.

***Text of subsection as amended by Acts 2015, 84th Leg., R.S.,
Ch. 437 (H.B. 910), Sec. 46***

Text of subsection effective on Jan. 1, 2016

(f) It is not a defense to prosecution under this section that the actor possessed a handgun and was licensed to carry a handgun under Subchapter H, Chapter 411, Government Code.

(g) An offense under this section is a third degree felony.

(h) It is a defense to prosecution under Subsection (a)(4) that the actor possessed a firearm or club while traveling to or from the actor's place of assignment or in the actual discharge of duties as a security officer commissioned by the Texas Board of Private Investigators and Private Security

Agencies, if:

- (1) the actor is wearing a distinctive uniform; and

- (2) the firearm or club is in plain view.
- (i) It is an exception to the application of Subsection (a)(6) that the actor possessed a firearm or club:
 - (1) while in a vehicle being driven on a public road; or
 - (2) at the actor's residence or place of employment.

Last amended by:

Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. 910), Sec. 46, eff. Jan. 1, 2016.

Acts 2015, 84th Leg., R.S., Ch. 438 (S.B. 11), Sec. 3, eff. Aug. 1, 2016.

Acts 2015, 84th Leg., R.S., Ch. 1001 (H.B. 554), Sec. 1, eff. Sept. 1, 2015.