

## **BILL ANALYSIS**

C.S.H.B. 1168  
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Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised about the inadequacies in state law with respect to protecting against potential insider threats for airport security professionals, particularly with regard to an airport's secured air operations area. C.S.H.B. 1168 seeks to address these concerns by expanding what constitutes a secured area of an airport for purposes of a related weapons offense.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1168 amends the Penal Code to redefine "secured area," for purposes of the offense of possessing or going with a firearm, illegal knife, club, or certain prohibited weapon in or into a secured area of an airport, as 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. The bill establishes as a defense to prosecution for that offense that the actor was authorized by a federal agency or the airport operator to possess a firearm in a secured area.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1168 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not replace the defense to prosecution for the offense of possessing or going with certain prohibited weapons in or into a secured area of an airport with an exception to the application of the offense and retains that defense instead with additional qualifying conduct.