

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

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 8 ayes — White, Bowers, Goodwin, Harless, Hefner, E. Morales, Patterson, Tinderholt

1 nay — Schaefer

WITNESSES: For — Jon Taylor, DFW International Airport; Rick Briscoe, Open Carry Texas; (*Registered, but did not testify:* TJ Patterson, City of Fort Worth; Frederick Frazier, Dallas Police Association and FOP 716 and State FOP; John Bolgiano; Gary Zimmerman)

Against — (*Registered, but did not testify:* Sally O'Grady; Emily Taylor)

BACKGROUND: Penal Code sec. 46.03(a)(5) makes it a crime to intentionally, knowingly, or recklessly possess or carry a firearm or other restricted or prohibited weapon into a secured area of an airport, which includes an area of an airport terminal building to which access is controlled under federal law. An offense is a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000).

Under sec. 46.03(e-1), it is a defense to prosecution that the person who possessed or carried the firearm or prohibited weapon possessed, at the screening checkpoint, a concealed handgun that the person was licensed to carry and exited the checkpoint immediately upon completion of the screening process and notification that the person possessed the handgun.

DIGEST: CSHB 1920 would expand the secured area of an airport in which it was an offense to possess or carry a firearm or other prohibited weapon to include an aircraft parking area used by common carriers in air transportation but not used by general aviation and to which access was controlled under federal law.

Under the bill, the offense would not apply to:

- a baggage claim area;
- a motor vehicle parking area used by passengers, employees, or persons awaiting arrival; or
- an area used by the public to pick up or drop off passengers or employees.

It would be a defense to prosecution for the offense under Penal Code sec. 46.03(a)(5) that the person was authorized by a federal agency or the airport operator to possess a firearm in a secured area.

The bill would take effect September 1, 2021, and would apply to an offense committed on or after that date.

**SUPPORTERS
SAY:**

CSHB 1920 would address concerns that state law currently does not protect against potential insider threats to all sensitive areas of airports, particularly the airport operations area, also known as the airside, ramp, tarmac, or backside of the terminal.

Federal law prohibits individuals from carrying a weapon into an airport, employees from possessing a weapon in the airport operations area, and baggage handlers from transferring or handing off a firearm onto an airplane. However, state law does not prevent an airline employee from possessing a weapon in the airport operations area. This gap creates jurisdictional challenges for state airport law enforcement responding to threats. The bill would close this gap in law by expanding the definition of a secured area of an airport to include the airport operations area. The bill would ensure that state and federal officials could work together to prevent insider threats and that airport security had jurisdiction to investigate incidents and make arrests.

Unlike the front side of an airport terminal, not every entrance to the backside of an airport terminal has a screening checkpoint, so it would not be appropriate to treat the two areas the same with respect to those

mistakenly carrying a handgun to the area. However, it is possible that the current defense to prosecution for a licensed person possessing a concealed handgun at a screening checkpoint would extend to the airport operations area, providing employees who were licensed handgun owners the opportunity to exit and store their handguns in their vehicles before returning to the area.

The bill would provide additional protection by creating a new defense to prosecution for individuals who were authorized to possess a firearm in a secured area of an airport. It also would provide clarity and protect law-abiding gun owners by specifying that the offense under Penal Code sec. 46.03(a)(5) did not apply to baggage claim, pick-up and drop-off areas for passengers and employees, and general aviation areas.

**CRITICS
SAY:**

CSHB 1920 should provide the same defense to prosecution currently afforded to licensed handgun owners who mistakenly carry a concealed handgun to a screening checkpoint in an airport terminal. This would allow airport employees who were law-abiding handgun owners an opportunity to exit a screening area to properly store their handgun without a penalty, ensuring that people acting without ill intent were not criminalized.