

SUBJECT: Revising premises of educational institutions where weapons prohibited

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 7 ayes — White, Harless, Hefner, E. Morales, Patterson, Schaefer,
Tinderholt

2 nays — Bowers, Goodwin

WITNESSES: For — Tara Mica, National Rifle Association; Gary Zimmerman;
(*Registered, but did not testify*: Daniel Collins, El Paso County; Felisha Bull and Rachel Malone, Gun Owners of America; Rick Briscoe, Open Carry Texas; Brian Hawthorne, Sheriffs Association of Texas; Mark Borskey, Texas State Rifle Association; Marcia Strickler, Wilco We Thee People; and 12 individuals)

Against — (*Registered, but did not testify*: Leslie Blanton, Robin Breed, Rebecca Defelice, Nancy Einhorn, Mandy Gauld, and Melanie Greene, Moms Demand Action; Christina Puentes, Frances Schenkkan, Gyl Switzer, and Louis Wichers, Texas Gun Sense; and six individuals)

On — (*Registered, but did not testify*: Thomas Parkinson)

BACKGROUND: Under Penal Code sec. 46.03(a)(1), a person commits an offense if the person intentionally, knowingly or recklessly possesses or goes with a firearm or other prohibited weapon 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.

It is not an offense if the person possesses a firearm or other prohibited weapon on such premises if the person possesses a concealed handgun that the person is licensed to carry on the premises of an institution of

higher education, on any grounds or building on which activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution.

Some have suggested that current law prohibiting the carrying of a weapon on any grounds or building on which an activity sponsored by a school or educational institution was taking place could be interpreted in a way that the possession of an otherwise legal weapon would be an offense simply because a group of students was present on the same premises.

DIGEST:

HB 2281 would revise the premises on which it would be an offense under Penal Code sec. 46.03(a)(1) to possess a firearm or other prohibited weapon and specify that a person would commit the offense if the person intentionally, knowingly, or recklessly possessed or went with such weapons 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 was being conducted.

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