

BILL ANALYSIS

Senate Research Center

S.B. 1003
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under the Texas Penal Code, a person commits an offense if the person possesses a firearm in a "secured area" of an airport. Under the current law, the definition of a "secured area" is limited to the terminal building. The current definition does not address a security concern regarding the permissibility of carrying a weapon in the air operations area. Thus, the law should be expanded to cover airport operations areas in addition to terminal buildings. The penalty for violating this penal statute is currently a third degree felony, and district attorneys, grand juries, and judges have been reluctant to prosecute persons under Section 46.03, Penal Code, for weapons offenses occurring at Dallas/Fort Worth International Airport due to the severity of the penalty.

As proposed, S.B. 1003 provides for the definition of "restricted area" to include the operations area of an airport and to reduce to a Class A misdemeanor the penalty for an offense under Section 46.03, Penal Code.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 46.03, Penal Code, as follows:

Sec. 46.03. PLACES WEAPONS PROHIBITED. (a) Provides that it is an offense for a person to knowingly, intentionally, or recklessly possess or go with a firearm, illegal knife, club, or prohibited weapon in or into a restricted area of an airport.

(b) Makes no changes to this subsection.

(c) Defines "restricted area."

(d) Provides an affirmative defense to a prosecution under Subsection (a)(5) if the firearm is checked as baggage, rather than if the actor checked in all firearms, in accordance with federal or state law or regulations before entering a secured area. Deletes existing Subsection (d) providing a defense to prosecution under Subsection (a) 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 certain duties.

(f) Provides that an offense under this section is a Class A misdemeanor, rather than a third degree felony.

SECTION 2. Effective date: September 1, 2007.