

BILL ANALYSIS

Senate Research Center

H.B. 554
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, travelers found carrying a handgun and certain other weapons into the secured area of an airport are subject to immediate arrest and confiscation of the handgun. Airports in Dallas and Houston are among those at which the Transportation Security Administration has reported the discovery of handguns at the screening checkpoints for secured areas.

Many of the travelers carrying handguns are concealed handgun license holders who have grown accustomed to having the handgun and have forgotten that they have the handgun with them. There should be a reasonable alternative to immediate arrest and confiscation so a responsible concealed handgun license holder can return the firearm to the license holder's car or home. H.B. 554 seeks to provide such an alternative.

H.B. 554 amends current law relating to a defense to prosecution for the offense of possessing or carrying a weapon in or into the secured area of an airport.

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, by adding Subsections (e-1) and (e-2) and amending Subsection (f), as follows:

(e-1) Provides that it is a defense to prosecution under Subsection (a)(5) (providing that a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon as set forth in or into a secured area of an airport) 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 notification that the actor possessed the handgun.

(e-2) Prohibits 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 (License to Carry a Concealed Handgun), Chapter 411, Government Code, from arresting 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.

(f) Provides that, 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. Makes a nonsubstantive change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.