

## **BILL ANALYSIS**

Senate Research Center  
86R23494 MAW-F

H.B. 1168  
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State Affairs  
5/7/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Airport security is a topic to be taken seriously. And Dallas/Fort Worth International Airport (DFW) is seeking the assistance of the Texas Legislature to ensure the safety of the traveling public.

DFW Airport reports that arrests have been made where airport, airline or other aviation-industry workers have broken security protocols by carrying firearms inside company vehicles while within secure, airport operations areas. Currently, there are no provisions for these security breaches under Texas law.

State and federal laws go to great length to prevent firearms from being brought inside airport terminals or carried onto aircraft, but Texas law does not identify airport operations areas (AOA); the areas inside airport fencing where commercial aircraft park (taxi) for boarding and loading, as secure locations. H.B.1168 would extend the same designation of secure areas now in place for airport terminals to airport operation areas; more commonly called the tarmac.

While arrests have taken place for violations at DFW and at other airports across the country, there are no reported incidents of violence. Airport security professionals say the arrests are proof that security threats exist. Without precautions and enhanced protections, airports and passengers could be at risk of airport insiders, people with AOA access, putting innocent lives in danger. In 2016, TSA reported that baggage handlers at Atlanta's Hartfield-Jackson Airport had smuggled drugs and 120 guns to New York.

H.B. 1168 would expand airport secure areas, now limited to inside airport terminals, to include tarmacs and ramp areas inside an airport that are restricted to airport personnel and to ticketed passengers in smaller airports (where passengers walk to board aircraft).

Airport operations areas are normally secured by a perimeter fence and include checkpoints. Airline passengers are prohibited from proceeding past checkpoint areas. Civilian-owned firearms would be prohibited within airport operations areas by H.B. 1168.

Federal law requires all airports to have an airport security plan in place. However, due to limited resources, enforcement is left to state law. Currently, if airport personnel is discovered to be in possession of a firearm within a secure area, all that can be done is to take possession of the employee's badge. Texas does not have laws in place to investigate these violations. Potential insider-based threats are a primary concern of airport security professionals.

H.B. 1168 would create a defense to prosecution for persons who are authorized to carry a firearm into a secure airport operations area of an airport.

H.B. 1168 would create a third degree felony offense for a person to intentionally, knowingly or recklessly bring a firearm into a secure airport operation area.

H.B. 1168 would help airport security professionals, local and state law enforcement keep Texas airports safe.

H.B. 1168 amends current law relating to the offense of possessing a weapon in a 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(c)(3), Penal Code, to redefine "secured area" to mean 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.

SECTION 2. Amends Section 46.03(e), Penal Code, as follows:

(e) Provides that it is a defense to prosecution under Subsection (a)(5) (relating to a provision that a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a certain weapon in or into a secured area of an airport) that the actor:

(1) creates this subdivision from existing text; or

(2) was authorized by a federal agency or the airport operator to possess a firearm in a secured area.

SECTION 3. Makes application of this Act prospective. Provides that an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

SECTION 4. Effective date: September 1, 2019.