

By: Pickett

H.B. No. 571

A BILL TO BE ENTITLED

AN ACT

relating to a defense to prosecution for the offense of possessing or carrying a weapon in or into the secured area of an airport.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 46.03, Penal Code, is amended by adding Subsections (e-1) and (e-2) and amending Subsection (f) to read as follows:

(e-1) It is a defense to prosecution under Subsection (a-5) 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) 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, Chapter 411, Government Code, may not arrest 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

1 checkpoint.

2 (f) Except as provided by Subsection (e-1), it [~~It~~] is not a
3 defense to prosecution under this section that the actor possessed
4 a handgun and was licensed to carry a concealed handgun under
5 Subchapter H, Chapter 411, Government Code.

6 SECTION 2. The change in law made by this Act applies only
7 to an offense committed on or after the effective date of this Act.
8 An offense committed before the effective date of this Act is
9 governed by the law in effect on the date the offense was committed,
10 and the former law is continued in effect for that purpose. For
11 purposes of this section, an offense was committed before the
12 effective date of this Act if any element of the offense occurred
13 before that date.

14 SECTION 3. This Act takes effect September 1, 2015.