By: Sethi H.B. No. 776

A BILL TO BE ENTITLED

AN ACT

relating to certain offenses and conduct subject to expulsion that are associated with possessing, carrying, exhibiting, or using a firearm on or within 1,000 feet of school property.

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

SECTION 1. Section 37.007(b), Education Code, is amended to read as follows:

(b) A student may be expelled if the student:

(1) engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code;

(2) while on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:

(A) sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of:

(i) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

(ii) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or

(iii) an alcoholic beverage, as defined by

As Received

Section 1.04, Alcoholic Beverage Code;

(B) engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code;

(C) engages in conduct that contains the elements of an offense under Section 22.01(a)(1), Penal Code, against a school district employee or a volunteer as defined by Section 22.053; or

(D) engages in conduct that contains the elements of the offense of deadly conduct under Section 22.05, Penal Code;

(3) subject to Subsection (d)[~~, while within 300 feet of school property, as measured from any point on the school's real property boundary line~~]:

(A) while within 300 feet of school property, as measured from any point on the school's real property boundary line, engages in conduct specified by Subsection (a); or

(B) while on or within 1,000 feet of school property, as measured from any point on the school's real property boundary line, possesses a firearm, as defined by 18 U.S.C. Section 921;

(4) engages in conduct that contains the elements of any offense listed in Subsection (a)(2)(A) or (C) or the offense of aggravated robbery under Section 29.03, Penal Code, against another student, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property; or

(5) engages in conduct that contains the elements of

the offense of breach of computer security under Section 33.02, Penal Code, if:

(A) the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and

(B) the student knowingly:

(i) alters, damages, or deletes school district property or information; or

(ii) commits a breach of any other computer, computer network, or computer system.

SECTION 2. Section 37.08131(b), Education Code, is amended to read as follows:

(b) A public or private primary or secondary school may enter into a memorandum of understanding with another public or private primary or secondary school under which a school marshal appointed to a campus of the school may temporarily act as a school marshal at a campus of the other school for the duration of an event occurring at the campus of the other school at which both schools are participating. The memorandum of understanding must comply with the requirements for written regulations under Section 37.0811 or 37.0813, as applicable, and may be used to satisfy the requirement for written regulations or written authorization under Section 46.03(a)(1-a) [~~46.03(a)(1)~~], Penal Code, to allow that school marshal to carry a firearm on the premises of the public or private primary or secondary school at which the event occurs.

SECTION 3. Section 37.0814(d), Education Code, is amended to read as follows:

(d) The board of trustees of a school district that claims a good cause exception under Subsection (c) must develop an alternative standard with which the district is able to comply, which may include providing a person to act as a security officer who is:

(1) a school marshal; or

(2) a school district employee or a person with whom the district contracts who:

(A) has completed school safety training provided by a qualified handgun instructor certified in school safety under Section 411.1901, Government Code; and

(B) carries a handgun on school premises in accordance with written regulations or written authorization of the district under Section 46.03(a)(1-a) [~~46.03(a)(1)(A)~~], Penal Code.

SECTION 4. The heading to Section 37.125, Education Code, is amended to read as follows:

Sec. 37.125. POSSESSION, EXHIBITION, USE, OR THREAT OF EXHIBITION OR USE OF FIREARMS.

SECTION 5. Section 37.125(a), Education Code, is amended to read as follows:

(a) A person commits an offense if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally:

(1) possesses, exhibits, or uses a firearm:

(A) on or within 1,000 feet of property owned by a private or public school, as measured from any point on the school's real property boundary line [~~in or on any property, including a~~

~~parking lot, parking garage, or other parking area, that is owned by a private or public school~~]; or

(B) on a school bus being used to transport children to or from school-sponsored activities of a private or public school;

(2) threatens to exhibit or use a firearm [~~in or~~] on or within 1,000 feet of property described by Subdivision (1)(A) or on a bus described by Subdivision (1)(B) and [~~was in possession of or~~] had immediate access to the firearm; or

(3) threatens to exhibit or use a firearm [~~in or~~] on or within 1,000 feet of property described by Subdivision (1)(A) or on a bus described by Subdivision (1)(B).

SECTION 6. Section 46.03, Penal Code, is amended by amending Subsection (a) and adding Subsection (j) to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon listed in Section 46.05(a):

(1) with respect to a location-restricted knife, club, or prohibited weapon listed in Section 46.05(a), on the premises of a school, on any grounds or building owned by and under the control of a school and on which an activity sponsored by the school is being conducted, or in a passenger transportation vehicle of a school, whether the school is public or private, unless the person possesses or goes with the weapon pursuant to written regulations or written authorization of the school;

(1-a) with respect to a firearm, on or within 1,000 feet of the premises of a school, on or within 1,000 feet of any grounds or building owned by and under the control of a school and on which an activity sponsored by the school is being conducted, or in a passenger transportation vehicle of a school, whether the school is public or private, unless the person possesses or goes with the firearm pursuant to written regulations or written authorization of the school;

(1-b) on the premises of a [~~school or~~] postsecondary educational institution, on any grounds or building owned by and under the control of a [~~school or~~] postsecondary educational institution and on which an activity sponsored by the [~~school or~~] institution is being conducted, or in a passenger transportation vehicle of a [~~school or~~] postsecondary educational institution, whether the [~~school or~~] postsecondary educational institution is public or private, unless:

(A) pursuant to written regulations or written authorization of the [~~school or~~] institution; or

(B) the person possesses or goes on the premises, grounds, or building of the institution or in the passenger transportation vehicle of the institution with a concealed handgun that the person is licensed to carry under Subchapter H, Chapter 411, Government Code, and no other weapon to which this section applies[~~, on the premises of a postsecondary educational institution, on any grounds or building owned by and under the control of the institution and on which an activity sponsored by the institution is being conducted, or in a passenger transportation~~

~~vehicle of the institution~~];

(2) on the premises of a polling place on the day of an election or while early voting is in progress;

(3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;

(4) on the premises of a racetrack;

(5) in or into a secured area of an airport;

(6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited;

(7) on the premises of a business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, if the business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption, as determined by the Texas Alcoholic Beverage Commission under Section 104.06, Alcoholic Beverage Code;

(8) on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the person is a participant in the event and a firearm, location-restricted knife, club, or prohibited weapon

listed in Section 46.05(a) is used in the event;

(9) on the premises of a correctional facility;

(10) on the premises of a civil commitment facility;

(11) on the premises of a hospital licensed under Chapter 241, Health and Safety Code, or on the premises of a nursing facility licensed under Chapter 242, Health and Safety Code, unless the person has written authorization of the hospital or nursing facility administration, as appropriate;

(12) on the premises of a mental hospital, as defined by Section 571.003, Health and Safety Code, unless the person has written authorization of the mental hospital administration;

(13) in an amusement park; or

(14) in the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to Chapter 551, Government Code, and if the entity provided notice as required by that chapter.

(j) It is a defense to prosecution under Subsection (a)(1-a) that the actor otherwise lawfully possessed the firearm and that:

(1) the actor's possession occurred on private property that is the actor's place of residence and that is not located on or otherwise part of the school grounds; or

(2) the firearm at all times remained stored in a privately owned or leased motor vehicle while the vehicle was:

(A) in transit through or within the prohibited area described by Subsection (a)(1-a), provided that the vehicle did not travel through any part of the school grounds; or

(B) stopped for a legitimate purpose in the area

allowed under Paragraph (A), including for the purpose of a traffic stop or an actual emergency.

SECTION 7. Section 46.11(b), Penal Code, is amended to read as follows:

(b) This section does not apply to an offense under Section 46.03(a)(1), (1-a), or (1-b) [~~Section 46.03(a)(1)~~].

SECTION 8. Section 46.15(l), Penal Code, is amended to read as follows:

(l) Sections 46.02 and 46.03(a)(1-a), (a)(1-b) [~~46.03(a)(1)~~], (a)(2), (a)(3), and (a)(4) do not apply to a person who carries a handgun if:

(1) the person carries the handgun on the premises, as defined by the statute providing the applicable offense, of a location operating as an emergency shelter during a state of disaster declared under Section 418.014, Government Code, or a local state of disaster declared under Section 418.108, Government Code;

(2) the owner, controller, or operator of the premises or a person acting with the apparent authority of the owner, controller, or operator, authorized the carrying of the handgun;

(3) the person carrying the handgun complies with any rules and regulations of the owner, controller, or operator of the premises that govern the carrying of a handgun on the premises; and

(4) the person is not prohibited by state or federal law from possessing a firearm.

SECTION 9. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act.

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. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 10. This Act takes effect September 1, 2027.