

- SUBJECT:** Creating a defense for carrying a handgun into an airport checkpoint
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 9 ayes — Phillips, Nevárez, Burns, Dale, Johnson, Metcalf, Moody, M. White, Wray
- 0 nays
- WITNESSES:** For — Terry Holcomb, Texas Carry; (*Registered, but did not testify:* Gina Holcomb, Texas Carry)
- Against — None
- On — (*Registered, but did not testify:* Sherrie Zgabay, Oscar Ybarra, Texas Department of Public Safety)
- BACKGROUND:** Under Penal Code, sec. 46.03(a)(5), it is a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) to intentionally, knowingly, or recklessly possess or carry a prohibited weapon, including a handgun, in or into a secured area of an airport. It is not a defense to prosecution that the individual is a concealed handgun license holder.
- Some travelers whose handguns have been found and confiscated when they walked through airport security have reported having forgotten that they were carrying a firearm.
- DIGEST:** HB 554 would create a defense to prosecution of the offense for unlawfully carrying a prohibited weapon in or into a secured area of an airport if the individual:
- possessed a concealed handgun the individual was licensed to carry at the screening checkpoint for the secured area; and
 - immediately exited the screening checkpoint for the secured area when notified that the individual possessed the handgun.

A police officer could not arrest a licensed individual merely for unlawfully carrying a concealed handgun in or into a secured area of an airport unless the individual declined to leave immediately after having been told by the officer of the available defense and having received an opportunity to exit the checkpoint.

The bill would take effect September 1, 2015, and would apply only to an offense committed on or after that date.