

BILL ANALYSIS

Senate Research Center

S.B. 1001
By: West
Criminal Justice
3-24-97
As Filed

DIGEST

Currently, a person commits a third degree felony if the person intentionally, knowingly, or recklessly goes to a prohibited place with a firearm, illegal knife, club, or prohibited weapon. However, based on the interpretation of the word "goes," some cases have been reduced to a Class A misdemeanor and the person has been charged with unlawfully carrying a weapon because the person was not actually seen entering or going onto the premises with the weapon. This legislation clarifies that possession of an illegal weapon, as listed in Section 46.05(a), Penal Code, in a prohibited place is a third degree felony.

PURPOSE

As proposed, S.B. 1001 establishes the offense of possessing a firearm, illegal knife, club, or prohibited weapon in a place where weapons are prohibited.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 46.03(a), Penal Code, to provide that a person commits an offense if the person intentionally, knowingly, or recklessly possesses a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(a) on certain premises or in certain areas, including in, rather than into, a secured area of an airport. Deletes the provision making it an offense if with certain prohibited weapons, a person intentionally, knowingly, or recklessly goes on certain premises or in certain areas.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.