

**SUBJECT:** Prohibiting threatening display of firearms in school parking lots

**COMMITTEE:** Law Enforcement — Reported favorably as substituted

**VOTE:** 5 ayes — Driver, Latham, Frost, Ortiz, West  
1 nay — Vo  
1 absent — Allen

**WITNESSES:** For — Jackie Lain, Texas Association of School Boards; (*On committee substitute*: Alice Tripp, Texas State Rifle Association); (*Registered, but did not testify*: Ramiro Canales, Texas Association of School Administrators; Ted Melina Raab, Texas Federation of Teachers; Jeanette Rodriguez, Texas State Teachers Association; David Russell, Frisco Police Officers Association; Josh Sanderson, Association of Texas Professional Educators)  
Against — None  
On — Lessie Gilstrap Fitzpatrick, Arlington Independent School District

**BACKGROUND:** Education Code, sec. 37.125 prohibits a person from exhibiting, using, or threatening to exhibit or use a firearm to interfere with the normal use of a public or private school building, campus, or school bus being used to transport children to a school-sponsored event.  
The offense is punishable as a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000).

**DIGEST:** CSHB 2112 would amend Education, sec. 37.125 to make it an offense if a person intentionally exhibited, used, or threatened to use a firearm in a manner intended to cause alarm or personal injury to another or to damage school property. The bill would also include the parking lot, parking garage, or other parking area in the definition of school property.  
The bill would take effect on September 1, 2007.

**SUPPORTERS  
SAY:**

CSHB 2112 would remove ambiguity in current statute about whether a school parking lot or garage is part of the school campus. The bill would close this loophole and help police and prosecutors improve school safety. Campuses can be confined places where students, teachers, and staff could be vulnerable. Unfortunately, school districts must be vigilant against potential copycats after the murders at Columbine, CO and Virginia Tech. The bill would give school resource officers or other security personnel a tool to address a potential threat in the parking lot and not allow the danger to spread into the hallways and classrooms.

CSHB 2112 would provide a proper balance between protecting public safety and respecting the constitutional right of law-abiding gun owners. Some school districts have ROTC shooting ranges or offer hunter education programs. Parents with concealed handgun licenses routinely drop their children off at school as do hunters and farmers who might have shotguns or rifles in their gun racks. These gun owners can bring their weapons onto school grounds as long as they do not fire them or wave them intentionally and threateningly. Otherwise they would be subject to prosecution under the bill.

**OPPONENTS  
SAY:**

All weapons should be prohibited from school parking lots as they are inside the school building. Parking lots are as much a part of the campus as the classrooms.