

- SUBJECT:** Making it a crime to possess a weapon on backside of airport terminal
- COMMITTEE:** Homeland Security and Public Safety — committee substitute recommended
- VOTE:** 9 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt
0 nays
- WITNESSES:** For — John Taylor, Dallas-Fort Worth Airport Police; Jerry Patterson; (*Registered, but did not testify:* Randy Cain, City of Dallas; Chris Jones, Combined Law Enforcement Associations of Texas; Kristian Havard, Dallas-Fort Worth Airport; Jessica Anderson, Houston Police Department; Jennifer Price, Moms Demand Action for Gun Sense in America; Ron Hinkle, Texas Commercial Airports Association; Ed Scruggs and Emma Thomson, Texas Gun Sense; Idona Griffith; Maria Person; Leesa Ross)
Against — Rachel Malone, Gun Owners of America; Rick Briscoe and CJ Grisham, Open Carry Texas; (*Registered, but did not testify:* Read King)
- 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 firearm or other restricted or prohibited weapon in or into a secured area of an airport, which includes an area of an airport terminal building to which access is controlled under federal law.
- It is a defense to prosecution that the person who possessed or carried the prohibited weapon:
- checked all firearms as baggage in accordance with state or federal law before entering a secured area; or
 - possessed a concealed handgun that the person was licensed to carry at the screening checkpoint and exited the checkpoint immediately upon completion of the screening process and

notification that the person possessed the handgun.

DIGEST: CSHB 1168 would expand the offense under Penal Code sec. 46.03(a)(5) by amending the definition of a secured area of an airport in which a person could not possess or carry a weapon to include an adjacent aircraft parking area used by common carriers in air transportation but not used by general aviation.

The bill would make it a defense to prosecution for the offense that the person was authorized by a federal agency or the airport operator to possess a firearm in a secured area.

The bill would take effect September 1, 2019, and would apply to an offense committed on or after that date.

SUPPORTERS SAY: CSHB 1168 would address concerns that state law currently does not protect against potential insider threats to all sensitive areas of airports, particularly the airport operations area, also known as the airside, ramp, tarmac, or backside of the terminal.

Federal law prohibits individuals from carrying a weapon into an airport, employees from possessing a weapon in the airport operations area, and baggage handlers from transferring or handing off a firearm onto an airplane.

However, state law does not prevent an airline employee from possessing a weapon in the airport operations area. This gap creates jurisdictional challenges for state airport law enforcement responding to threats. The bill would close this gap in law by expanding the definition of a secured area of an airport to include the airport operations area. The bill would ensure that state and federal officials could work together to prevent insider threats and that airport security had jurisdiction to investigate incidents and make arrests.

The current defense to prosecution for a licensed person possessing a concealed handgun at a screening checkpoint would extend to the airport

operations area, providing a licensed firearm owner the opportunity to exit and store a firearm in a vehicle before entering the area. The bill would provide additional protection by creating a new defense to prosecution for individuals who were authorized to possess a firearm in a secured area of an airport and by not applying the offense under Penal Code sec. 46.03(a)(5) to general aviation areas.

**OPPONENTS
SAY:**

CSHB 1168 should provide the same defense to prosecution currently afforded to licensed firearm owners who mistakenly carry a concealed handgun to a screening checkpoint in an airport terminal. This would allow airport employees who were law-abiding handgun owners an opportunity to exit a screening area to properly store their handgun without a penalty, ensuring that people acting without ill intent were not criminalized.