Sec. 1. Possession of Weapons

a) *Expulsion Offense*

A student shall be expelled from school if the student engages in conduct that contains the elements of the offense of unlawfully carrying weapons under Penal Code 46.02, or elements of an offense relating to prohibited weapons under Penal Code 46.05, on school property or while attending a school-sponsored or school-related activity on or off school property, subject to the requirements of Education Code 37.009(a) (pre-placement proceedings). *Education Code 37.007(a)(1).*

b) *Exception*

A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs:

1. At an approved target range facility that is not located on a school campus; and
2. While participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.

This section does not authorize a student to bring a firearm on school property to participate in or prepare for a school-sponsored shooting sports competition or a shooting sports educational activity.

Education Code 37.007(k)

Sec. 2. Federal Firearms Provision

a) *Expulsion Offense*

In accordance with the Gun-Free Schools Act, a district shall expel a student who brings a firearm, as defined by federal law, to school. The student must be expelled from the student's regular campus for a period of at least one year, except that the superintendent may modify in writing the length of expulsion in the case of an individual student.

b) *"School" Defined*

For expulsion under this provision, "school" means any setting that is under the control and supervision of a district for the purpose of student activities approved and authorized by the district.

20 U.S.C. 7961; Education Code 37.007(e).

c) *Exception*

This provision shall not apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the district and the district adopts appropriate safeguards to ensure student safety. *20 U.S.C. 7961(g).*

Sec. 3. <u>Unlawful Carrying of Weapons</u>

a) *Handgun*

A person commits an offense if the person:
1. Intentionally, knowingly, or recklessly carries on or about his or her person a handgun;
2. At the time of the offense is younger than 21 years of age or has been convicted of certain offenses described in Penal Code 46.02(a); and
3. Is not on the person's own premises or premises under the person's control; or inside of or directly en route to a motor vehicle that is owned by the person or under the person's control.

Penal Code 46.02(a).

b) *Location-Restricted Knife*

A person commits an offense if the person:
1. Intentionally, knowingly, or recklessly carries on or about his or her person a location-restricted knife;
2. Is younger than 18 years of age at the time; and
3. Is not:
    a. On the person's own premises or premises under the person's control;
    b. Inside of or directly en route to a motor vehicle that is owned by the person or under the person's control; or
    c. Under the direct supervision of a parent or legal guardian of the person.

Penal Code 46.02(a-4).

c) *Additional Handgun Offenses*

A person commits an offense if the person carries a handgun in violation of Penal Code 46.02(a-5)-(a-7). *Penal Code 46.02.*

d) *Definitions*
i. Firearm

For purposes of state law, "handgun" means any firearm that is designed, made, or adapted to be fired with one hand. A "firearm" means any device designed, made, or adapted to expel a projectile

through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. *Penal Code 46.01(3), (5).*

j. Location-Restricted Knife

"Location-restricted knife" means a knife with a blade over 5-1/2 inches. *Penal Code 46.01(6).*

Sec. 4. <u>Prohibited Weapons</u>

Under Penal Code 46.05, a person commits an offense if the person intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

1. An explosive weapon (any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon). *Penal Code 46.01(2).*
2. A machine gun (any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger). *Penal Code 46.01(9).*
3. A short-barrel firearm (rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches). *Penal Code 46.01(10).*
4. Armor-piercing ammunition (handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers). *Penal Code 46.01(12).*
5. A chemical dispensing device (a device, other than a small chemical dispenser sold commercially for personal protection, that is designed, made, or adapted for the purpose of dispensing a chemical capable of causing an adverse psychological or physiological effect on a human being). *Penal Code 46.01(14).*
6. A zip gun (a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance). *Penal Code 46.01(16).*
7. A tire deflation device (a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires; it does not include a traffic control device that is designed to puncture one or more of a vehicle's tires when driven over in a specific direction, and has a clearly visible sign posted in close proximity to the traffic control device that prohibits entry or warns motor vehicle operators of the traffic control device). *Penal Code 46.01(17).*
8. An improvised explosive device (a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is fabricated in an improvised manner using nonmilitary components. It does not include unassembled components that can be legally purchased and possessed without a license, permit, or other governmental approval; or an exploding target that is used for firearms practice, sold in kit form, and contains the components of a binary explosive. *Penal Code 46.01(19).*

A person does not commit an offense if an item is listed at items 1-3, above, and is registered in the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the United States Department of Justice.

Penal Code 46.05(a)