

CHAPTER 46

S.B. No. 185

An Act relating to creating the offense of carrying a deadly weapon while an inmate in a penal institution; providing a penalty; adding Section 46.11 to Chapter 46, Penal Code.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 46, Penal Code, is amended by adding Section 46.11 to read as follows:

“Section 46.11. DEADLY WEAPON IN PENAL INSTITUTION. (a) A person commits an offense if, while confined in a penal institution, he intentionally, knowingly, or recklessly carries on or about his person a deadly weapon.

“(b) It is an affirmative defense to prosecution under this section that at the time of the offense the actor was engaged in conduct authorized by an employee of the penal institution.

“(c) A person who is subject to prosecution under both this section and another section under this chapter may be prosecuted under either section.

“(d) An offense under this section is a felony of the third degree.”

SECTION 2. This Act takes effect September 1, 1985.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on February 28, 1985, by a viva-voce vote; passed the House on April 10, 1985, by a non-record vote.

Approved: April 25, 1985

Effective: September 1, 1985