

BILL ANALYSIS

C.S.H.B. 2110
By: Berman
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The recent shootings that have occurred at the courthouses in Tyler, Texas and Atlanta, Georgia have brought to the forefront the realization that people are willing to commit violent acts and target those individuals directly involved in the prosecution of defendants.

Current law allows judges who have a valid concealed carry license to carry concealed firearms in and on the premises of a state courthouse, in addition to other places prohibited to those with a concealed carry license. However, current law does not make similar allowances for district attorneys who are also under the threat of retaliation or retribution from violent defendants.

C.S.H.B 2110 authorizes district attorneys and designated non-commissioned bailiffs to carry concealed handguns in court settings, if properly licensed.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B 2210 amends Section 46.01, Penal Code by adding and defining "active judicial officer."

The bill amends Section 46.15 of the Penal Code to provide that Sections 46.02 and 46.03 of the Penal Code do not apply to a district attorney or criminal district attorney licensed to carry a concealed handgun, or to a bailiff designated as a judicial officer security escort, who is licensed to carry a concealed handgun and is engaged in escorting an active judicial officer.

The bill also amends Section 46.15 to authorize an active judicial officer, who presides in a court, to designate a bailiff as a judicial security escort, who is not licensed as a peace officer by the Texas Commission on Law Enforcement Officer Standards and Education. The bill provides that the judicial officer designate the bailiff by informing the county sheriff in writing and requires the sheriff to keep a copy of the writing on file. The bill also makes conforming changes to Section 46.15.

The bill amends Section 46.035 of the Penal Code to provide that it is a defense to prosecution, under Section 46.035(b), that the actor at the time of the offense was a bailiff designated as a judicial officer security escort and was engaged in escorting an active judicial officer.

The bill provides that the change in law made by this Act is prospective from the effective date.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B 2210 varies from the original bill because it amends Section 46.01 of the Penal Code by adding and defining "active judicial officer."

C.S.H.B. 2110 79(R)

C.S.H.B also differs from the original in that it amends Section 46.15 of the Penal Code to provide that Sections 46.02 and 46.03 of the Penal Code do not apply to a bailiff designated as a judicial officer security escort, who is licensed to carry a concealed handgun and is engaged in escorting an active judicial officer.

C.S.H.B 2210 varies from the original by amending Section 46.15 to authorize an active judicial officer, who presides in a court, to designate a bailiff as a judicial security escort, who is not licensed as a peace officer by the Texas Commission on Law Enforcement Officer Standards and Education. The substitute also provides that the judicial officer designate the bailiff by informing the county sheriff in writing and requires the sheriff to keep a copy of the writing on file.

C.S.H.B 2210 differs from the original by amending Section 46.035 of the Penal Code to provide that it is a defense to prosecution, under Section 46.035(b), that the actor at the time of the offense, was a bailiff designated as a judicial officer security escort and was engaged in escorting an active judicial officer.