

By: Berman, Driver, Hupp, Keel,  
King of Parker

H.B. No. 2110

Substitute the following for H.B. No. 2110:

By: Hegar

C.S.H.B. No. 2110

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of certain weapon laws to certain prosecutors and certain court employees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 46.01, Penal Code, is amended by adding Subdivision (17) to read as follows:

(17) "Active judicial officer" has the meaning assigned by Section 411.201, Government Code.

SECTION 2. Section 46.15, Penal Code, is amended by amending Subsection (a) and adding Subsection (i) to read as follows:

(a) Sections 46.02 and 46.03 do not apply to:

(1) peace officers, including commissioned peace officers of a recognized state, or special investigators under Article 2.122, Code of Criminal Procedure, and neither section prohibits a peace officer or special investigator from carrying a weapon in this state, including in an establishment in this state serving the public, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon;

(2) parole officers and neither section prohibits an officer from carrying a weapon in this state if the officer is:

(A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

1 (B) in compliance with policies and procedures  
2 adopted by the Texas Department of Criminal Justice regarding the  
3 possession of a weapon by an officer while on duty;

4 (3) community supervision and corrections department  
5 officers appointed or employed under Section 76.004, Government  
6 Code, and neither section prohibits an officer from carrying a  
7 weapon in this state if the officer is:

8 (A) engaged in the actual discharge of the  
9 officer's duties while carrying the weapon; and

10 (B) authorized to carry a weapon under Section  
11 76.0051, Government Code;

12 (4) a judge or justice of the supreme court, the court  
13 of criminal appeals, a court of appeals, a district court, a  
14 criminal district court, a constitutional county court, a statutory  
15 county court, a justice court, or a municipal court who is licensed  
16 to carry a concealed handgun under Subchapter H, Chapter 411,  
17 Government Code; ~~[or]~~

18 (5) an honorably retired peace officer or federal  
19 criminal investigator who holds a certificate of proficiency issued  
20 under Section 1701.357, Occupations Code, and is carrying a photo  
21 identification that:

22 (A) verifies that the officer honorably retired  
23 after not less than 20 years of service as a commissioned officer;  
24 and

25 (B) is issued by the agency from which the peace  
26 officer retired or, for a federal criminal investigator, by a state  
27 law enforcement agency;

1           (6) a district attorney or criminal district attorney  
2 who is licensed to carry a concealed handgun under Subchapter H,  
3 Chapter 411, Government Code; or

4           (7) a bailiff designated as a judicial officer  
5 security escort under Subsection (i) who is:

6                   (A) licensed to carry a concealed handgun under  
7 Chapter 411, Government Code; and

8                   (B) engaged in escorting an active judicial  
9 officer.

10           (i) An active judicial officer who presides in a court in  
11 which a bailiff who is not licensed as a peace officer by the Texas  
12 Commission on Law Enforcement Officer Standards and Education  
13 erves may designate the bailiff as a judicial officer security  
14 escort in a writing delivered to the county sheriff. The county  
15 sheriff shall keep a copy of the writing in the sheriff's files.

16           SECTION 3. Section 46.035, Penal Code, is amended by adding  
17 Subsection (h-1) to read as follows:

18           (h-1) It is a defense to prosecution under Subsection (b)  
19 that the actor, at the time of the commission of the offense, was:

20                   (1) a bailiff designated as a judicial officer  
21 security escort under Section 46.15(i); and

22                   (2) engaged in escorting an active judicial officer.

23           SECTION 4. The change in law made by this Act applies only  
24 to an offense committed on or after the effective date of this Act.  
25 An offense committed before the effective date of this Act is  
26 covered by the law in effect when the offense was committed, and the  
27 former law is continued in effect for that purpose. For purposes of

1 this section, an offense was committed before the effective date of  
2 this Act if any element of the offense was committed before that  
3 date.

4 SECTION 5. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2005.