

By: Berman

H.B. No. 2110

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the applicability of certain weapon laws to certain  
3 prosecutors.

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

5 SECTION 1. Section 46.15(a), Penal Code, is amended to read  
6 as follows:

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

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

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

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

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

23 (3) community supervision and corrections department  
24 officers appointed or employed under Section 76.004, Government

1 Code, and neither section prohibits an officer from carrying a  
2 weapon in this state if the officer is:

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

5 (B) authorized to carry a weapon under Section  
6 76.0051, Government Code;

7 (4) a judge or justice of the supreme court, the court  
8 of criminal appeals, a court of appeals, a district court, a  
9 criminal district court, a constitutional county court, a statutory  
10 county court, a justice court, or a municipal court who is licensed  
11 to carry a concealed handgun under Subchapter H, Chapter 411,  
12 Government Code; ~~[or]~~

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

17 (A) verifies that the officer honorably retired  
18 after not less than 20 years of service as a commissioned officer;  
19 and

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

23 (6) a district attorney or criminal district attorney  
24 who is licensed to carry a concealed handgun under Subchapter H,  
25 Chapter 411, Government Code.

26 SECTION 2. The change in law made by this Act applies only  
27 to an offense committed on or after the effective date of this Act.

1 An offense committed before the effective date of this Act is  
2 covered by the law in effect when the offense was committed, and the  
3 former law is continued in effect for that purpose. For purposes of  
4 this section, an offense was committed before the effective date of  
5 this Act if any element of the offense was committed before that  
6 date.

7 SECTION 3. This Act takes effect September 1, 2005.