

1-1 By: Berman, et al. (Senate Sponsor - Eltife) H.B. No. 2110
1-2 (In the Senate - Received from the House April 29, 2005;
1-3 May 2, 2005, read first time and referred to Committee on Criminal
1-4 Justice; May 20, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 May 20, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2110 By: Seliger

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the applicability of certain weapon laws to certain
1-11 judges and prosecutors.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 46.15(a), Penal Code, is amended to read
1-14 as follows:

1-15 (a) Sections 46.02 and 46.03 do not apply to:

1-16 (1) peace officers, including commissioned peace
1-17 officers of a recognized state, or special investigators under
1-18 Article 2.122, Code of Criminal Procedure, and neither section
1-19 prohibits a peace officer or special investigator from carrying a
1-20 weapon in this state, including in an establishment in this state
1-21 serving the public, regardless of whether the peace officer or
1-22 special investigator is engaged in the actual discharge of the
1-23 officer's or investigator's duties while carrying the weapon;

1-24 (2) parole officers and neither section prohibits an
1-25 officer from carrying a weapon in this state if the officer is:

1-26 (A) engaged in the actual discharge of the
1-27 officer's duties while carrying the weapon; and

1-28 (B) in compliance with policies and procedures
1-29 adopted by the Texas Department of Criminal Justice regarding the
1-30 possession of a weapon by an officer while on duty;

1-31 (3) community supervision and corrections department
1-32 officers appointed or employed under Section 76.004, Government
1-33 Code, and neither section prohibits an officer from carrying a
1-34 weapon in this state if the officer is:

1-35 (A) engaged in the actual discharge of the
1-36 officer's duties while carrying the weapon; and

1-37 (B) authorized to carry a weapon under Section
1-38 76.0051, Government Code;

1-39 (4) a judge or justice of a federal court, the supreme
1-40 court, the court of criminal appeals, a court of appeals, a district
1-41 court, a criminal district court, a constitutional county court, a
1-42 statutory county court, a justice court, or a municipal court who is
1-43 licensed to carry a concealed handgun under Subchapter H, Chapter
1-44 411, Government Code; ~~[or]~~

1-45 (5) an honorably retired peace officer or federal
1-46 criminal investigator who holds a certificate of proficiency issued
1-47 under Section 1701.357, Occupations Code, and is carrying a photo
1-48 identification that:

1-49 (A) verifies that the officer honorably retired
1-50 after not less than 20 years of service as a commissioned officer;
1-51 and

1-52 (B) is issued by the agency from which the peace
1-53 officer retired or, for a federal criminal investigator, by a state
1-54 law enforcement agency; or

1-55 (6) a district attorney, criminal district attorney,
1-56 or county attorney who is licensed to carry a concealed handgun
1-57 under Subchapter H, Chapter 411, Government Code.

1-58 SECTION 2. The change in law made by this Act applies only
1-59 to an offense committed on or after the effective date of this Act.
1-60 An offense committed before the effective date of this Act is
1-61 covered by the law in effect when the offense was committed, and the
1-62 former law is continued in effect for that purpose. For purposes of
1-63 this section, an offense was committed before the effective date of

2-1 this Act if any element of the offense was committed before that
2-2 date.

2-3 SECTION 3. This Act takes effect September 1, 2005.

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