

## **BILL ANALYSIS**

Senate Research Center  
80R17514 E

H.B. 1889  
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Criminal Justice  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Essential to the fair and impartial administration of justice and integrity of state courts is a safe and secure environment that balances security with openness. However, judges are often the victims of hostile acts, ranging from harassment to murder. Current law authorizes a properly licensed judge to carry a concealed weapon in certain forums, but not a bailiff who escorts the judge. In addition, neither a judge nor a bailiff is authorized to carry a concealed handgun on the premises of a courthouse.

H.B. 1889 provides that certain laws regarding the unlawful carrying of a weapon and the locations in which weapons are prohibited do not apply to a bailiff escorting a judge. The bill also provides a defense to the prosecution of an offense regarding a concealed handgun license holder who carries a weapon onto certain premises if the person carrying the weapon is a bailiff or judge.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 46.15(a), Penal Code, to provide that Sections 46.02 (Unlawful Carrying Weapons) and 46.03 (Places Weapons Prohibited) do not apply to a bailiff designated by an active judicial officer as defined by Section 411.201, Government Code, who is licensed to carry a concealed handgun under Chapter 411, Government Code, and engaged in escorting the judicial officer.

SECTION 2. Amends Section 46.035, Penal Code, by adding Subsection (h-1) to provide that it is a defense to prosecution under Subsections (b) and (c) (regarding an offense involving a concealed handgun license holder who intentionally, knowingly, or recklessly carries a handgun, regardless of whether the handgun is concealed, on or about the license holder's person on certain premises or at a meeting of a governmental entity) that the actor, at the time of the commission of the offense, was an active judicial officer, as defined by Section 411.201, Government Code, or a bailiff designated by the active judicial officer and engaged in escorting the officer.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2007.