

BILL ANALYSIS

C.S.H.B. 2300
By: Paxton
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law provides special treatment to members of the judiciary who qualify for a concealed handgun license. However, the treatment does not extend to assistant attorneys and a system to keep track of the members of the class is missing. For personal safety reasons, these individuals, if they possess a concealed carry license, should be allowed greater latitude in where they may carry their concealed handgun.

C.S.H.B. 2300 provides for a new designation on the license of these officials and extends the coverage to assistant district attorneys, assistant criminal district attorneys and assistant county attorneys.

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

SECTION 1. Amends Section 411.179, Government Code to require the Texas Department of Public Safety to adopt a new type of license form for concealed handgun licenses of judges, justices, prosecuting attorneys, or assistant prosecuting attorneys and to require proper evidence of the status of those officials.

SECTION 2. Amends Section 411.181, Government Code to require judges, justices, district attorneys, criminal district attorneys, or county attorneys to notify the department if the person's status becomes inapplicable.

SECTION 3. Adds a new subsection to Section 46.035, Penal Code to extend the defense to prosecution to the officials added in Section 1 of the bill.

SECTION 4. Amends 46.15(a) Penal Code to add assistant district attorneys, assistant criminal district attorneys and assistant county attorneys to the list of officials to whom Sections 46.02 and 46.03 Penal Code do not apply if they are licensed to carry a concealed handgun.

SECTION 5. Transition clause continuing current law for actions occurring before the effective date of this Act.

SECTION 6. Effective Date. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original in that while the original bill requires the Department of Public Safety to establish procedures for the licensing of judges, justices, district attorneys, criminal district attorneys, and county attorneys, the substitute requires the Department of Public Safety to establish procedures for the licensing to judges, justices, prosecuting attorneys, and assistant prosecuting attorneys.

The substitute also requires that a person notify the Department of Public Safety and provide the person's license number and as applicable, the person's addresses or names if the person's status as a judge, justice, district attorney, prosecuting attorney, or assistant prosecuting attorney becomes inapplicable no later than the 30th day after the date of the change in status. The original makes no such requirement of an attorney or assistant prosecuting attorney and instead requires that a judge, justice, district attorney, criminal district attorney, or county attorney notify the Department of Public Safety and provide the person's license number and as applicable, the person's addresses or names if the person's status if the persons status changes.

The substitute also provides a defense to prosecution under Penal Code Section 46.035 Subsections (b) (1), (2), and (4) - (6), Subsection (c), and Subsection (d), to assistant district attorneys, assistant criminal district attorneys, and assistant county attorneys.

The substitute also creates an exemption to Penal Code Sections 46.02 and 46.03 for assistant district attorneys, assistant criminal district attorneys, and assistant county attorneys who are licensed under Subchapter H, Chapter 411, Government Code. The original made no such exemption.