

BILL ANALYSIS

Senate Research Center
80R21308 UM-D

H.B. 2300
By: Paxton et al. (Hegar)
Criminal Justice
5/21/2007
Committee Report (Amended)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law allows active or retired judicial officers to carry concealed handguns if they meet the eligibility requirements of Subchapter H (License to Carry a Concealed Handgun), Chapter 411, Government Code, and complete all application requirements set forth by the Department of Public Safety (DPS).

H.B. 2300 directs DPS to indicate on the concealed handgun licenses issued to judges, justices, district attorneys, criminal district attorneys, and county attorneys, the title those individuals hold. This bill expands the number of places these individuals are permitted to carry their concealed weapons to include premises that serve alcohol, sporting events, hospitals, nursing homes, amusement parks, places of worship, and meetings of governmental entities.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the public safety director in SECTION 3 (Section 411.1882, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.179, Government Code, by adding Subsection (c), as follows:

(c) Requires the Department of Public Safety (DPS), in adopting the form of the license under Subsection (a), to establish a procedure for the license of a judge, justice, prosecuting attorney, or assistant prosecuting attorney, as described by Section 46.15(a)(4) or (6), Penal Code, to indicate on the license the license holder's status. Requires DPS, in establishing the procedure, to require sufficient documentary evidence to establish the license holder's status under this subsection.

SECTION 2. Amends Sections 411.181(a) and (b), Government Code, as follows:

(a) Requires a person whose status as a judge, justice, district attorney, prosecuting attorney, or assistant prosecuting attorney becomes inapplicable for purposes of Section 411.179(c) to provide DPS with the number of the person's license, and, as applicable, the person's former and new addresses or names not later than the 30th day after the date of the status change.

(b) Requires a person to apply for a duplicate license if the name of the license holder is changed by marriage or otherwise, or if the person's status becomes inapplicable as described by Subsection (a). Requires the duplicate license to reflect the person's current name and status.

SECTION 3. Amends Subchapter H, Chapter 411, Government Code, by adding Section 411.1882, as follows:

Sec. 411.1882. EXEMPTION FROM HANDGUN PROFICIENCY CERTIFICATE REQUIREMENT FOR CERTAIN PERSONS. (a) Prohibits a person from being required to submit to DPS a handgun proficiency certificate to obtain or renew a concealed handgun license issued under this subchapter (License to Carry a Concealed Handgun) under certain circumstances.

(b) Requires the public safety director by rule to adopt a procedure by which a person who is exempt under Subsection (a) from the handgun proficiency certificate requirement may submit a form demonstrating the person's qualification for an exemption under that subsection. Requires the form to provide sufficient information to allow DPS to verify whether the person qualifies for the exemption.

(c) Provides that a license issued under this section automatically expires on the six-month anniversary of the date the person's status under Subsection (a) becomes inapplicable. Authorizes a license that expires under this subsection to be renewed under Section 411.185 (Renewal).

SECTION 4. Amends Section 411.201(a)(1), Government Code, to redefine "active judicial officer."

SECTION 5. Amends Section 46.035, Penal Code, by adding Subsection (h-1), as follows:

(h-1) Provides that it is a defense to prosecution under Subsections (b)(1), (2), and (4)-(6), and (c) that at the time of the commission of the offense, the actor had a certain status.

SECTION 6. Amends Section 46.15(a), Penal Code, to provide that Sections 46.02 and 46.03 do not apply to an assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a concealed handgun under Subchapter H (License to Carry a Concealed Handgun), Chapter 411, Government Code, and is a felony prosecutor or has at least two years' experience as a prosecutor.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: upon passage or September 1, 2007.

SUMMARY OF COMMITTEE CHANGES

Committee Amendment No. 1:

Amends H.B. 2300 (house engrossed version), as follows:

Amends SECTION 6 in added Section 46.15(a)(7), Penal Code (page 6, line 3), by striking ", and:" and substituting ".".

Amends SECTION 6, in added Section 46.15(a)(7), Penal Code (page 6, lines 4 through 6), by striking added Paragraphs (A) and (B).