

By: Raymond

H.B. No. 1889

Substitute the following for H.B. No. 1889:

By: Driver

C.S.H.B. No. 1889

A BILL TO BE ENTITLED

AN ACT

1
2 relating to allowing certain active judicial officers and bailiffs
3 to carry weapons.

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

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

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

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

22 (3) community supervision and corrections department
23 officers appointed or employed under Section 76.004, Government
24 Code, and neither section prohibits an officer from carrying a

1 weapon in this state if the officer is:

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

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

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

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

16 (A) verifies that the officer honorably retired
17 after not less than 15 years of service as a commissioned officer;
18 and

19 (B) is issued by a state or local law enforcement
20 agency; ~~or~~

21 (6) a district attorney, criminal district attorney,
22 or county attorney who is licensed to carry a concealed handgun
23 under Subchapter H, Chapter 411, Government Code; or

24 (7) a bailiff designated by an active judicial officer
25 as defined by Section 411.201, Government Code, who is:

26 (A) licensed to carry a concealed handgun under
27 Chapter 411, Government Code; and

1 (B) engaged in escorting the judicial officer.

2 SECTION 2. Section 46.035, Penal Code, is amended by adding
3 Subsection (h-1) to read as follows:

4 (h-1) It is a defense to prosecution under Subsections (b)
5 and (c) that the actor, at the time of the commission of the
6 offense, was:

7 (1) an active judicial officer, as defined by Section
8 411.201, Government Code; or

9 (2) a bailiff designated by the active judicial
10 officer and engaged in escorting the officer.

11 SECTION 3. The change in law made by this Act applies only
12 to an offense committed on or after the effective date of this Act.
13 An offense committed before the effective date of this Act is
14 covered by the law in effect when the offense was committed, and the
15 former law is continued in effect for that purpose. For purposes of
16 this section, an offense was committed before the effective date of
17 this Act if any element of the offense was committed before that
18 date.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2007.