

1-1 By: Raymond (Senate Sponsor - Zaffirini) H.B. No. 1889  
1-2 (In the Senate - Received from the House May 9, 2007;  
1-3 May 10, 2007, read first time and referred to Committee on Criminal  
1-4 Justice; May 18, 2007, reported favorably by the following vote:  
1-5 Yeas 6, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to allowing certain active judicial officers and bailiffs  
1-9 to carry weapons.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 46.15(a), Penal Code, is amended to read  
1-12 as follows:

1-13 (a) Sections 46.02 and 46.03 do not apply to:

1-14 (1) peace officers or special investigators under  
1-15 Article 2.122, Code of Criminal Procedure, and neither section  
1-16 prohibits a peace officer or special investigator from carrying a  
1-17 weapon in this state, including in an establishment in this state  
1-18 serving the public, regardless of whether the peace officer or  
1-19 special investigator is engaged in the actual discharge of the  
1-20 officer's or investigator's duties while carrying the weapon;

1-21 (2) parole officers and neither section prohibits an  
1-22 officer from carrying a weapon in this state if the officer is:

1-23 (A) engaged in the actual discharge of the  
1-24 officer's duties while carrying the weapon; and

1-25 (B) in compliance with policies and procedures  
1-26 adopted by the Texas Department of Criminal Justice regarding the  
1-27 possession of a weapon by an officer while on duty;

1-28 (3) community supervision and corrections department  
1-29 officers appointed or employed under Section 76.004, Government  
1-30 Code, and neither section prohibits an officer from carrying a  
1-31 weapon in this state if the officer is:

1-32 (A) engaged in the actual discharge of the  
1-33 officer's duties while carrying the weapon; and

1-34 (B) authorized to carry a weapon under Section  
1-35 76.0051, Government Code;

1-36 (4) a judge or justice of a federal court, the supreme  
1-37 court, the court of criminal appeals, a court of appeals, a district  
1-38 court, a criminal district court, a constitutional county court, a  
1-39 statutory county court, a justice court, or a municipal court who is  
1-40 licensed to carry a concealed handgun under Subchapter H, Chapter  
1-41 411, Government Code;

1-42 (5) an honorably retired peace officer or federal  
1-43 criminal investigator who holds a certificate of proficiency issued  
1-44 under Section 1701.357, Occupations Code, and is carrying a photo  
1-45 identification that:

1-46 (A) verifies that the officer honorably retired  
1-47 after not less than 15 years of service as a commissioned officer;  
1-48 and

1-49 (B) is issued by a state or local law enforcement  
1-50 agency; ~~or~~

1-51 (6) a district attorney, criminal district attorney,  
1-52 or county attorney who is licensed to carry a concealed handgun  
1-53 under Subchapter H, Chapter 411, Government Code; or

1-54 (7) a bailiff designated by an active judicial officer  
1-55 as defined by Section 411.201, Government Code, who is:

1-56 (A) licensed to carry a concealed handgun under  
1-57 Chapter 411, Government Code; and

1-58 (B) engaged in escorting the judicial officer.

1-59 SECTION 2. Section 46.035, Penal Code, is amended by adding  
1-60 Subsection (h-1) to read as follows:

1-61 (h-1) It is a defense to prosecution under Subsections (b)  
1-62 and (c) that the actor, at the time of the commission of the  
1-63 offense, was:

1-64 (1) an active judicial officer, as defined by Section

2-1 411.201, Government Code; or  
2-2 (2) a bailiff designated by the active judicial  
2-3 officer and engaged in escorting the officer.

2-4 SECTION 3. The change in law made by this Act applies only  
2-5 to an offense committed on or after the effective date of this Act.  
2-6 An offense committed before the effective date of this Act is  
2-7 covered by the law in effect when the offense was committed, and the  
2-8 former law is continued in effect for that purpose. For purposes of  
2-9 this section, an offense was committed before the effective date of  
2-10 this Act if any element of the offense was committed before that  
2-11 date.

2-12 SECTION 4. This Act takes effect immediately if it receives  
2-13 a vote of two-thirds of all the members elected to each house, as  
2-14 provided by Section 39, Article III, Texas Constitution. If this  
2-15 Act does not receive the vote necessary for immediate effect, this  
2-16 Act takes effect September 1, 2007.

2-17 \* \* \* \* \*