

By: Paxton, et al.

H.B. No. 2300

Substitute the following for H.B. No. 2300:

By: Driver

C.S.H.B. No. 2300

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of weapons by certain judges and justices
and district and county attorneys.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 411.179, Government Code, is amended by
adding Subsection (c) to read as follows:

(c) In adopting the form of the license under Subsection
(a), the department shall 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 as a judge,
justice, district attorney, criminal district attorney, or county
attorney. In establishing the procedure, the department shall
require sufficient documentary evidence to establish the license
holder's status under this subsection.

SECTION 2. Sections 411.181(a) and (b), Government Code,
are amended to read as follows:

(a) If a person who is a current license holder moves from
the address stated on the license, [or] if the name of the person is
changed by marriage or otherwise, or if the person's status as a
judge, justice, district attorney, prosecuting attorney, or
assistant prosecuting attorney becomes inapplicable for purposes
of Section 411.179(c), the person shall, not later than the 30th day
after the date of the address, [or] name, or status change, notify

1 the department and provide the department with the number of the
2 person's license and, as applicable, the person's:

3 (1) former and new addresses; or

4 (2) former and new names.

5 (b) If the name of the license holder is changed by marriage
6 or otherwise, or if the person's status becomes inapplicable as
7 described by Subsection (a), the person shall apply for a duplicate
8 license. The duplicate license must reflect the person's current
9 name and status.

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

12 (h-1) It is a defense to prosecution under Subsections
13 (b)(1), (2), and (4)-(6), (c), and (d) that at the time of the
14 commission of the offense, the actor was:

15 (1) a judge or justice of a federal court;

16 (2) an active judicial officer, as defined by Section
17 411.201, Government Code; or

18 (3) a district attorney, assistant district attorney,
19 criminal district attorney, assistant criminal district attorney,
20 county attorney, or assistant county attorney.

21 SECTION 4. Section 46.15(a), Penal Code, is amended to read
22 as follows:

23 (a) Sections 46.02 and 46.03 do not apply to:

24 (1) peace officers or special investigators under
25 Article 2.122, Code of Criminal Procedure, and neither section
26 prohibits a peace officer or special investigator from carrying a
27 weapon in this state, including in an establishment in this state

1 serving the public, regardless of whether the peace officer or
2 special investigator is engaged in the actual discharge of the
3 officer's or investigator's duties while carrying the weapon;

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

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

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

11 (3) community supervision and corrections department
12 officers appointed or employed under Section 76.004, Government
13 Code, and neither section prohibits an officer from carrying a
14 weapon in this state if the officer is:

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

17 (B) authorized to carry a weapon under Section
18 76.0051, Government Code;

19 (4) a judge or justice of a federal court, the supreme
20 court, the court of criminal appeals, a court of appeals, a district
21 court, a criminal district court, a constitutional county court, a
22 statutory county court, a justice court, or a municipal court who is
23 licensed to carry a concealed handgun under Subchapter H, Chapter
24 411, Government Code;

25 (5) an honorably retired peace officer or federal
26 criminal investigator who holds a certificate of proficiency issued
27 under Section 1701.357, Occupations Code, and is carrying a photo

1 identification that:

2 (A) verifies that the officer honorably retired
3 after not less than 15 years of service as a commissioned officer;
4 and

5 (B) is issued by a state or local law enforcement
6 agency; or

7 (6) a district attorney, assistant district attorney,
8 criminal district attorney, assistant criminal district attorney,
9 ~~[or]~~ county attorney, or assistant county attorney who is licensed
10 to carry a concealed handgun under Subchapter H, Chapter 411,
11 Government Code.

12 SECTION 5. The change in law made by this Act applies only
13 to an offense committed on or after the effective date of this Act.
14 An offense committed before the effective date of this Act is
15 covered by the law in effect when the offense was committed, and the
16 former law is continued in effect for that purpose. For purposes of
17 this section, an offense was committed before the effective date of
18 this Act if any element of the offense was committed before that
19 date.

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