

By: Paxton, et al. (Senate Sponsor - Hegar) H.B. No. 2300  
(In the Senate - Received from the House May 11, 2007;  
May 15, 2007, read first time and referred to Committee on Criminal  
Justice; May 21, 2007, reported favorably, as amended, by the  
following vote: Yeas 6, Nays 0; May 21, 2007, sent to printer.)

COMMITTEE AMENDMENT NO. 1 By: Hegar

Amend H.B. No. 2300 (house engrossed version) as follows:  
(1) In SECTION 6 of the bill, in added Subdivision (7),  
Subsection (a), Section 46.15, Penal Code (page 3, line 18), strike  
", and:" and substitute ".".  
(2) In SECTION 6 of the bill, strike added Paragraphs (A)  
and (B), Subdivision (7), Subsection (a), Section 46.15, Penal Code  
(page 3, lines 19 through 21).

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

(1) former and new addresses; or

(2) former and new names.

(b) 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), the person shall apply for a duplicate  
license. The duplicate license must reflect the person's current  
name and status.

SECTION 3. Subchapter H, Chapter 411, Government Code, is  
amended by adding Section 411.1882 to read as follows:

Sec. 411.1882. EXEMPTION FROM HANDGUN PROFICIENCY  
CERTIFICATE REQUIREMENT FOR CERTAIN PERSONS. (a) Notwithstanding  
any other provision of this subchapter, a person may not be required  
to submit to the department a handgun proficiency certificate to  
obtain or renew a concealed handgun license issued under this  
subchapter if:

(1) the person is currently serving in this state as:

(A) a judge or justice of a federal court;

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

(C) a district attorney, assistant district  
attorney, criminal district attorney, assistant criminal district  
attorney, county attorney, or assistant county attorney; and

(2) a handgun proficiency instructor approved by the Commission on Law Enforcement Officer Standards and Education for purposes of Section 1702.1675, Occupations Code, makes a sworn statement indicating that the person demonstrated proficiency to the instructor in the use of handguns during the 12-month period preceding the date of the person's application to the department and designating the types of handguns with which the person demonstrated proficiency.

(b) The director by rule shall 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. The form must provide sufficient information to allow the department to verify whether the person qualifies for the exemption.

(c) 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. A license that expires under this subsection may be renewed under Section 411.185.

SECTION 4. Section 411.201(a)(1), Government Code, is amended to read as follows:

(1) "Active judicial officer" means:

(A) a person serving as a judge or justice of the supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court; or

(B) a federal judge who is a resident of this state.

SECTION 5. Section 46.035, Penal Code, is amended by adding Subsection (h-1) to read as follows:

(h-1) 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 was:

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

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

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

SECTION 6. Section 46.15(a), Penal Code, is amended to read as follows:

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

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

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

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

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

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

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

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

(4) a judge or justice of a federal court, the supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court who is

licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;

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

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

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

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

(7) an assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, and:

(A) is a felony prosecutor; or

(B) has at least two years' experience as a prosecutor.

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

SECTION 8. 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.

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