

**House Bill 1503**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION

SECTION \_\_. Subdivision (4), Section 411.171, Government Code, is amended to read as follows:

(4) "Convicted" means an adjudication of guilt or, except as provided in Section 411.1711, an order of deferred adjudication entered against a person by a court of competent jurisdiction whether or not the imposition of the sentence is subsequently probated and the person is discharged from community supervision. The term does not include an adjudication of guilt or an order of deferred adjudication that has been subsequently:

(A)expunged; ~~[or]~~

(B)pardoned under the authority of a state or federal official; or

(C)otherwise vacated, set aside, annulled, invalidated, discharged, voided, or sealed under any state or federal law.

CONFERENCE

No equivalent provision.

SECTION \_\_. Section 411.172, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) For the purposes of this section, an offense under the laws of this state, another state, or the United States is:

(1) except as provided by Subsection (b-1), a felony if ~~[the offense]~~, at the time it is committed, the offense ~~[of a person's application for a license to carry a concealed handgun]~~:

(A) is designated by a law of this state as a felony;

(B)contains all the elements of an offense designated by

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a law of this state as a felony; or  
(C)is punishable by confinement for one year or more in a penitentiary; and  
(2) a Class A misdemeanor if the offense is not a felony and confinement in a jail other than a state jail felony facility is affixed as a possible punishment.  
(b-1) An offense is not considered a felony for purposes of Subsection (b)(1) if, at the time of a person's application for a license to carry a concealed handgun, the offense:  
(1)is designated by a law of this state as a misdemeanor;  
or  
(2)does not contain all the elements of any offense designated by a law of this state as a felony.

No equivalent provision.

SECTION \_\_. Section 46.04, Penal Code, is amended by amending Subsection (d) and adding Subsections (f) and (g) to read as follows:  
(d)In this section:  
(1)"Convicted" has the meaning assigned by Section 411.171, Government Code.  
(2)"Family," ["family,"] "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.  
(f) For the purposes of this section, an offense under the laws of this state, another state, or the United States is, except as provided by Subsection (g), a felony if, at the time it is committed, the offense: \_  
(1)is designated by a law of this state as a felony;

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(2) contains all the elements of an offense designated by a law of this state as a felony; or  
(3) is punishable by confinement for one year or more in a penitentiary.  
(g) An offense is not considered a felony for purposes of Subsection (f) if, at the time the person possesses a firearm, the offense:  
(1) is designated by a law of this state as a misdemeanor; or  
(2) does not contain all the elements of any offense designated by a law of this state as a felony.

SECTION 1. 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

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

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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; [ø]

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

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Code; or  
(7) an assistant district attorney, assistant criminal district attorney, or assistant county attorney who:  
(A) is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code; and  
(B) either:  
(i) is a felony prosecutor; or  
(ii) has at least two years' experience as a prosecutor.

SECTION 2. 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 at the time 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 3. This Act takes effect September 1, 2007.

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(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.

Same as House version.

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