

BILL ANALYSIS

C.S.H.B. 2370
By: Vaught
Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, elected attorneys who meet certain requirements are allowed to carry a concealed handgun. The fee for the concealed handgun license is waived for those attorneys, as well as for attorneys employed to represent the state in the prosecution of felony cases. Other officials who are allowed to carry concealed handguns include state prosecutors, state judges, and federal judges.

Due to the nature of the cases in which they act as prosecutor, many federal felony prosecutors are frequently threatened by the people they prosecute. The prosecutor's home address is often readily available, leaving the prosecutors vulnerable to threats made against the prosecutor's life.

C.S.H.B. 2370 adds a United States attorney, an assistant United States attorney, and an elected attorney representing the federal government in the prosecution of felony cases to the list of individuals to whom a concealed handgun license must be issued if certain requirements are met and for whom the fee must be waived. The bill adds a United States attorney and an assistant United States attorney to the list of individuals permitted to carry a concealed handgun in places where other Texas concealed handgun license holders are barred and to whom a defense to prosecution for certain offenses relating to unlawfully carrying a handgun by a concealed handgun license holder applies.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2370 amends Section 411.179(c), Government Code, as added by Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, to include a United States attorney and an assistant United States attorney among the individuals for whom the Department of Public Safety (DPS) is required to establish a procedure, in adopting by rule the form of a license to carry a concealed weapon, to indicate on the license the license holder's professional status.

C.S.H.B. 2370 reenacts and amends Sections 411.181(a) and (b), Government Code, as amended by Chapters 594 (H.B. 41) and 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, to make clarifying nonsubstantive changes and a technical correction in provisions establishing procedures for a concealed handgun license holder to notify DPS and apply for a duplicate license in the event of an address, name, or status change.

C.S.H.B. 2370 includes a person currently serving in Texas as a United States attorney or an assistant United States attorney among the individuals who DPS is prohibited from requiring to submit to DPS a handgun proficiency certificate to obtain or renew a concealed handgun license.

C.S.H.B. 2370 includes a United States attorney, an assistant United States attorney, and an

elected attorney representing the federal government in the prosecution of felony cases who meet certain requirements among the individuals to whom DPS is required to issue a license to carry a concealed handgun and for whom DPS is required to waive any fee for the issuance of an original, duplicate, or renewed license.

C.S.H.B. 2370 reenacts and amends Section 46.15(a), Penal Code, as amended by Chapters 1214 (H.B. 1889) and 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, to add a United States attorney and an assistant United States attorney who is licensed to carry a concealed handgun to the list of individuals to whom the offenses of unlawfully carrying a weapon and carrying a weapon on prohibited premises do not apply.

C.S.H.B. 2370 amends Section 46.035(h-1), Penal Code, as added by Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, to include a United States attorney and an assistant United States attorney among the individuals to whom a defense to prosecution for certain offenses relating to unlawfully carrying a handgun by a concealed handgun license holder applies.

C.S.H.B. 2370 provides that, to the extent of any conflict, the provisions of this bill prevail over the Act of the 81st Legislature, Regular Session, 2009, relating to the nonsubstantive additions to and corrections in enacted codes.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2370 adds provisions not in the original including a United States attorney and an assistant United States attorney among the individuals for whom the Department of Public Safety (DPS) is required to establish a procedure to indicate on a license the license to carry a concealed weapon, the license holder's professional status and making clarifying nonsubstantive changes.

C.S.H.B. 2370 adds a provision not in the original including a United States attorney and an assistant United States attorney among the individuals who DPS is prohibited from requiring to submit to DPS a handgun proficiency certificate to obtain or renew a concealed handgun license.

C.S.H.B. 2370 differs from the original by adding a United States attorney, an assistant United States attorney, and an elected attorney representing the federal government in the prosecution of felony cases who meet certain requirements to the individuals to whom DPS is required to issue a license to carry a concealed handgun and for whom DPS is required to waive any fee for the issuance of an original, duplicate, or renewed license, whereas the original adds only a United States attorney.

C.S.H.B. 2370 differs from the original by adding a United States attorney and an assistant United States attorney who is licensed to carry a concealed handgun to the list of individuals to whom the offenses of unlawfully carrying a weapon and carrying a weapon on prohibited premises do not apply, whereas the original adds only a United States attorney.

C.S.H.B. 2370 adds a provision not in the original including a United States attorney and an assistant United States attorney among the individuals to whom a defense to prosecution for certain offenses relating to unlawfully carrying a handgun by a concealed handgun license holder applies.