

By: Vaught

H.B. No. 2370

Substitute the following for H.B. No. 2370:

By: Driver

C.S.H.B. No. 2370

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the application of certain concealed handgun license
3 laws to United States attorneys and assistant United States
4 attorneys and to the authority of United States attorneys and
5 assistant United States attorneys to carry certain weapons.

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

7 SECTION 1. Section 411.179(c), Government Code, as added by
8 Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular
9 Session, 2007, is amended to read as follows:

10 (c) In adopting the form of the license under Subsection
11 (a), the department shall establish a procedure for the license of a
12 judge, justice, United States attorney, assistant United States
13 attorney, prosecuting attorney, or assistant prosecuting attorney,
14 as described by Section 46.15(a)(4), ~~or~~ (6), or (7), Penal Code,
15 to indicate on the license the license holder's status as a judge,
16 justice, United States attorney, assistant United States attorney,
17 district attorney, criminal district attorney, or county attorney.
18 In establishing the procedure, the department shall require
19 sufficient documentary evidence to establish the license holder's
20 status under this subsection.

21 SECTION 2. Sections 411.181(a) and (b), Government Code, as
22 amended by Chapters 594 (H.B. 41) and 1222 (H.B. 2300), Acts of the
23 80th Legislature, Regular Session, 2007, are reenacted and amended
24 to read as follows:

1 (a) If a person who is a current license holder moves from
2 the address stated on the license to a new residence address, if the
3 name of the person is changed by marriage or otherwise, or if the
4 person's status [~~as a judge, justice, district attorney,~~
5 ~~prosecuting attorney, or assistant prosecuting attorney, as a~~
6 ~~federal judge, a state judge, or the spouse of a federal judge or~~
7 ~~state judge,~~] becomes inapplicable for purposes of the information
8 required to be displayed on the license under Section 411.179
9 [411.179(c)], the person shall, not later than the 30th day after
10 the date of the address, name, or status change, notify the
11 department and provide the department with the number of the
12 person's license and, as applicable, the person's:

- 13 (1) former and new addresses; [~~or~~]
14 (2) former and new names; or
15 (3) former and new status.

16 (b) If the name of the license holder is changed by marriage
17 or otherwise, or if the person's status [~~as a federal judge or state~~
18 ~~judge, or the spouse of a federal judge or state judge]~~ becomes
19 inapplicable as described by Subsection (a), the person shall apply
20 for a duplicate license. The duplicate license must reflect
21 [~~include~~] the person's current name, residence address, and status.

22 SECTION 3. Section 411.1882(a), Government Code, is amended
23 to read as follows:

24 (a) Notwithstanding any other provision of this subchapter,
25 a person may not be required to submit to the department a handgun
26 proficiency certificate to obtain or renew a concealed handgun
27 license issued under this subchapter if:

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

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

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

5 (C) a United States attorney, assistant United
6 States attorney, district attorney, assistant district attorney,
7 criminal district attorney, assistant criminal district attorney,
8 county attorney, or assistant county attorney; and

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

17 SECTION 4. Section 411.201(h), Government Code, is amended
18 to read as follows:

19 (h) The department shall issue a license to carry a
20 concealed handgun under the authority of this subchapter to a
21 United States attorney or an assistant United States attorney or to
22 an elected attorney representing the state or the federal
23 government in the prosecution of felony cases who meets the
24 requirements of this section for an active judicial officer. The
25 department shall waive any fee required for the issuance of an
26 original, duplicate, or renewed license under this subchapter for
27 an applicant who is a United States attorney or an assistant United

1 States attorney or who is an attorney elected or employed to
2 represent the state or the federal government in the prosecution of
3 felony cases.

4 SECTION 5. Section 46.035(h-1), Penal Code, as added by
5 Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular
6 Session, 2007, is amended to read as follows:

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

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

11 (2) an active judicial officer, as defined by Section
12 411.201, Government Code; or

13 (3) a United States attorney, assistant United States
14 attorney, district attorney, assistant district attorney, criminal
15 district attorney, assistant criminal district attorney, county
16 attorney, or assistant county attorney.

17 SECTION 6. Section 46.15(a), Penal Code, as amended by
18 Chapters 1214 (H.B. 1889) and 1222 (H.B. 2300), Acts of the 80th
19 Legislature, Regular Session, 2007, is reenacted and amended to
20 read as follows:

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

22 (1) peace officers or special investigators under
23 Article 2.122, Code of Criminal Procedure, and neither section
24 prohibits a peace officer or special investigator from carrying a
25 weapon in this state, including in an establishment in this state
26 serving the public, regardless of whether the peace officer or
27 special investigator is engaged in the actual discharge of the

1 officer's or investigator's duties while carrying the weapon;

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

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

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

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

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

15 (B) authorized to carry a weapon under Section
16 76.0051, Government Code;

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

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

27 (A) verifies that the officer honorably retired

1 after not less than 15 years of service as a commissioned officer;
2 and

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

5 (6) a United States attorney, district attorney,
6 criminal district attorney, county attorney, or municipal attorney
7 who is licensed to carry a concealed handgun under Subchapter H,
8 Chapter 411, Government Code; ~~[or]~~

9 (7) an assistant United States attorney, assistant
10 district attorney, assistant criminal district attorney, or
11 assistant county attorney who is licensed to carry a concealed
12 handgun under Subchapter H, Chapter 411, Government Code; or

13 (8) ~~[(7)]~~ a bailiff designated by an active judicial
14 officer as defined by Section 411.201, Government Code, who is:

15 (A) licensed to carry a concealed handgun under
16 Chapter 411, Government Code; and

17 (B) engaged in escorting the judicial officer.

18 SECTION 7. (a) To the extent of any conflict, this Act
19 prevails over another Act of the 81st Legislature, Regular Session,
20 2009, relating to nonsubstantive additions to and corrections in
21 enacted codes.

22 (b) The change in law made by this Act in amending Section
23 46.15(a), Penal Code, applies only to an offense committed on or
24 after the effective date of this Act. An offense committed before
25 the effective date of this Act is covered by the law in effect when
26 the offense was committed, and the former law is continued in effect
27 for that purpose. For purposes of this section, an offense was

C.S.H.B. No. 2370

1 committed before the effective date of this Act if any element of
2 the offense was committed before that date.

3 SECTION 8. This Act takes effect September 1, 2009.