

By: Vaught

H.B. No. 2370

A BILL TO BE ENTITLED

1 AN ACT
2 relating to exempting United States attorneys from certain
3 requirements for obtaining or renewing a concealed handgun license
4 and to the authority of United States attorneys to carry certain
5 weapons.

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

7 SECTION 1. Section 411.201(h), Government Code, is amended
8 to read as follows:

9 (h) The department shall issue a license to carry a
10 concealed handgun under the authority of this subchapter to a
11 United States attorney or to an elected attorney representing the
12 state in the prosecution of felony cases who meets the requirements
13 of this section for an active judicial officer. The department
14 shall waive any fee required for the issuance of an original,
15 duplicate, or renewed license under this subchapter for an
16 applicant who is a United States attorney or who is an attorney
17 elected or employed to represent the state in the prosecution of
18 felony cases.

19 SECTION 2. Section 46.15(a), Penal Code, as amended by
20 Chapters 1214 (H.B. 1889) and 1222 (H.B. 2300), Acts of the 80th
21 Legislature, Regular Session, 2007, is reenacted and amended to
22 read as follows:

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

24 (1) peace officers or special investigators under

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

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

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

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

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

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

20 (B) authorized to carry a weapon under Section
21 76.0051, Government Code;

22 (4) a judge or justice of a federal court, the supreme
23 court, the court of criminal appeals, a court of appeals, a district
24 court, a criminal district court, a constitutional county court, a
25 statutory county court, a justice court, or a municipal court who is
26 licensed to carry a concealed handgun under Subchapter H, Chapter
27 411, Government Code;

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

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

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

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

14 (7) an assistant district attorney, assistant
15 criminal district attorney, or assistant county attorney who is
16 licensed to carry a concealed handgun under Subchapter H, Chapter
17 411, Government Code; or

18 (8) [~~(7)~~] a bailiff designated by an active judicial
19 officer as defined by Section 411.201, Government Code, who is:

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

22 (B) engaged in escorting the judicial officer.

23 SECTION 3. (a) To the extent of any conflict, this Act
24 prevails over another Act of the 81st Legislature, Regular Session,
25 2009, relating to nonsubstantive additions to and corrections in
26 enacted codes.

27 (b) The change in law made by this Act in amending Section

1 46.15(a), Penal Code, applies only to an offense committed on or
2 after the effective date of this Act. An offense committed before
3 the effective date of this Act is covered by the law in effect when
4 the offense was committed, and the former law is continued in effect
5 for that purpose. For purposes of this section, an offense was
6 committed before the effective date of this Act if any element of
7 the offense was committed before that date.

8 SECTION 4. This Act takes effect September 1, 2009.