

By: Homer

H.B. No. 2791

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of certain county jail guards to carry
3 firearms.

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

5 SECTION 1. Section 46.15(a), Penal Code, as amended by
6 Chapters 1214 (H.B. 1889) and 1222 (H.B. 2300), Acts of the 80th
7 Legislature, Regular Session, 2007, is reenacted and amended to
8 read as follows:

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

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

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

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

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

24 (3) community supervision and corrections department

1 officers appointed or employed under Section 76.004, Government
2 Code, and neither section prohibits an officer from carrying a
3 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) authorized to carry a weapon under Section
7 76.0051, Government Code;

8 (4) a judge or justice of a federal court, the supreme
9 court, the court of criminal appeals, a court of appeals, a district
10 court, a criminal district court, a constitutional county court, a
11 statutory county court, a justice court, or a municipal court who is
12 licensed to carry a concealed handgun under Subchapter H, Chapter
13 411, Government Code;

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

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

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

23 (6) a district attorney, criminal district attorney,
24 county attorney, or municipal attorney who is licensed to carry a
25 concealed handgun under Subchapter H, Chapter 411, Government Code;
26 [~~or~~]

27 (7) an assistant district attorney, assistant

1 criminal district attorney, or assistant county attorney who is
2 licensed to carry a concealed handgun under Subchapter H, Chapter
3 411, Government Code;

4 (8) [~~(7)~~] a bailiff designated by an active judicial
5 officer as defined by Section 411.201, Government Code, who is:

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

8 (B) engaged in escorting the judicial officer; or

9 (9) a county jail guard employed under Section 85.005,
10 Local Government Code, who:

11 (A) is engaged in the actual discharge of the
12 guard's duties while carrying the weapon; and

13 (B) is in compliance with any policies and
14 procedures adopted by the sheriff employing the guard and the
15 Commission on Jail Standards regarding the possession of a weapon
16 while on duty or on the premises of the county jail.

17 SECTION 2. This Act takes effect September 1, 2009.