

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 285
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Jurisprudence
3/23/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

To obtain a handgun license a person must take a handgun proficiency course that is divided into two parts. One is classroom instruction and the other range instruction and demonstration by the applicant of the applicant's ability to safely and proficiently use the applicable category of gun. The classroom instruction must be at least 10 hours and include instruction on the laws that relate to weapons and the use of deadly force, handgun use proficiency and safety, nonviolent dispute resolution, and proper storage practices for handguns.

A judicial officer as defined by Section 411.201(a) (relating to the list of recognized judicial officers), Government Code, does not have to participate in the handgun proficiency portion of the course. A judicial officer may prove handgun proficiency by obtaining a sworn statement from a handgun instructor stating that the judicial officer has demonstrated handgun proficiency. Additionally, judicial officers are not required to get the minimum number of classroom hours and the course they attend does not have to include instruction on the laws that relate to weapons and the use of deadly force and nonviolent dispute resolution.

Associate judges appointed under Chapter 201 (Associate Judge), Family Code, are not included in the list of judicial officers in Section 411.201(a), Government Code.

C.S.S.B. 285 adds masters, magistrates, referees, associate judges appointed under Chapter 54 (Masters; Magistrates; Referees; Associate Judges), and associate judges who are appointed under Chapter 201, Family Code, to the list of persons defined as active judicial officers in Section 411.201(a), Government Code) and exempts them from Section 46.02 (Unlawful Carrying Weapons), Penal Code, and Section 46.03 (Places Weapons Prohibited), Penal Code.

C.S.S.B. 285 amends current law relating to exempting certain judicial officers from certain requirements for obtaining or renewing a concealed handgun license and to the authority of certain judicial officers to carry certain weapons.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.201(a)(1), Government Code, to redefine "active judicial officer."

SECTION 2. Amends Section 46.15(a), Penal Code, to provide that Sections 46.02 (Unlawful Carrying Weapons) and 46.03 (Places Weapons Prohibited) do not apply to certain persons, including an active judicial officer as defined by Section 411.201, Government Code, who is licensed to carry a concealed handgun under Subchapter H (License to Carry a Concealed Handgun), Chapter 411, Government Code. Deletes existing text providing that Section 46.02 and 46.03 do not apply to 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.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2011.