

By: Hughes

H.B. No. 857

A BILL TO BE ENTITLED

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

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

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

9 (1) "Active judicial officer" means:

10 (A) a person serving as a judge or justice of the
11 supreme court, the court of criminal appeals, a court of appeals, a
12 district court, a criminal district court, a constitutional county
13 court, a statutory county court, a justice court, or a municipal
14 court; ~~[or]~~

15 (B) a federal judge who is a resident of this
16 state; or

17 (C) a person appointed and serving as an
18 associate judge under Chapter 201, Family Code.

19 SECTION 2. Section 46.15(a), Penal Code, is amended to read
20 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

1 weapon in this state, including in an establishment in this state
2 serving the public, regardless of whether the peace officer or
3 special investigator is engaged in the actual discharge of the
4 officer's or investigator's duties while carrying the weapon;

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

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

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

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

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

18 (B) authorized to carry a weapon under Section
19 76.0051, Government Code;

20 (4) an active judicial officer as defined by Section
21 411.201, Government Code, [~~a judge or justice of a federal court,~~
22 ~~the supreme court, the court of criminal appeals, a court of~~
23 ~~appeals, a district court, a criminal district court, a~~
24 ~~constitutional county court, a statutory county court, a justice~~
25 ~~court, or a municipal court]~~ who is licensed to carry a concealed
26 handgun under Subchapter H, Chapter 411, Government Code;

27 (5) an honorably retired peace officer or federal

1 criminal investigator who holds a certificate of proficiency issued
2 under Section 1701.357, Occupations Code, and is carrying a photo
3 identification that:

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

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

9 (6) a district attorney, criminal district attorney,
10 county attorney, or municipal attorney who is licensed to carry a
11 concealed handgun under Subchapter H, Chapter 411, Government Code;

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

16 (8) a bailiff designated by an active judicial officer
17 as defined by Section 411.201, Government Code, who is:

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

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

21 (9) a juvenile probation officer who is authorized to
22 carry a firearm under Section 142.006, Human Resources Code.

23 SECTION 3. The change in law made by this Act applies only
24 to an offense committed on or after the effective date of this Act.
25 An offense committed before the effective date of this Act is
26 covered by the law in effect when the offense was committed, and the
27 former law is continued in effect for that purpose. For purposes of

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

3 SECTION 4. This Act takes effect September 1, 2011.