

By: Miller of Erath

H.B. No. 3619

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the application of certain concealed handgun license
3 laws to certain statewide elected officials and members of the
4 legislature.

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

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

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

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

13 (2) an active judicial officer, as defined by Section
14 411.201, Government Code; ~~or~~

15 (3) a district attorney, assistant district attorney,
16 criminal district attorney, assistant criminal district attorney,
17 county attorney, or assistant county attorney;

18 (4) a statewide elected official; or

19 (5) a member of the legislature.

20 SECTION 2. Section 46.035, Penal Code, is amended by adding
21 Subsection (h-2) to read as follows:

22 (h-2) It is a defense to prosecution under Subsections
23 (b)(1), (2), and (4)-(6), and (c) that at the time of the commission
24 of the offense, the actor was a person who, on September 1, 2011,

1 was serving as a member of the legislature or is a former member of
2 the legislature or was serving as a statewide elected official or is
3 a former statewide elected official and possessed a concealed
4 handgun license under Subchapter H, Chapter 411, Government Code.

5 SECTION 3. The change in law made by this Act applies only
6 to an offense committed on or after the effective date of this Act.
7 An offense committed before the effective date of this Act is
8 governed by the law in effect on the date the offense was committed,
9 and the former law is continued in effect for that purpose. For
10 purposes of this section, an offense was committed before the
11 effective date of this Act if any element of the offense occurred
12 before that date.

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