

1-1 By: Harris S.B. No. 285  
1-2 (In the Senate - Filed December 21, 2010; January 31, 2011,  
1-3 read first time and referred to Committee on Jurisprudence;  
1-4 March 23, 2011, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; March 23, 2011,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 285 By: Harris

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to exempting certain judicial officers from certain  
1-11 requirements for obtaining or renewing a concealed handgun license  
1-12 and to the authority of certain judicial officers to carry certain  
1-13 weapons.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subdivision (1), Subsection (a), Section  
1-16 411.201, Government Code, is amended to read as follows:

1-17 (1) "Active judicial officer" means:

1-18 (A) a person serving as a judge or justice of the  
1-19 supreme court, the court of criminal appeals, a court of appeals, a  
1-20 district court, a criminal district court, a constitutional county  
1-21 court, a statutory county court, a justice court, or a municipal  
1-22 court; ~~[or]~~

1-23 (B) a federal judge who is a resident of this  
1-24 state; or

1-25 (C) a person appointed and serving as a master,  
1-26 magistrate, referee, or associate judge under Chapter 54 of this  
1-27 code or an associate judge under Chapter 201, Family Code.

1-28 SECTION 2. Subsection (a), Section 46.15, Penal Code, is  
1-29 amended to read as follows:

1-30 (a) Sections 46.02 and 46.03 do not apply to:

1-31 (1) peace officers or special investigators under  
1-32 Article 2.122, Code of Criminal Procedure, and neither section  
1-33 prohibits a peace officer or special investigator from carrying a  
1-34 weapon in this state, including in an establishment in this state  
1-35 serving the public, regardless of whether the peace officer or  
1-36 special investigator is engaged in the actual discharge of the  
1-37 officer's or investigator's duties while carrying the weapon;

1-38 (2) parole officers and neither section prohibits an  
1-39 officer from carrying a weapon in this state if the officer is:

1-40 (A) engaged in the actual discharge of the  
1-41 officer's duties while carrying the weapon; and

1-42 (B) in compliance with policies and procedures  
1-43 adopted by the Texas Department of Criminal Justice regarding the  
1-44 possession of a weapon by an officer while on duty;

1-45 (3) community supervision and corrections department  
1-46 officers appointed or employed under Section 76.004, Government  
1-47 Code, and neither section prohibits an officer from carrying a  
1-48 weapon in this state if the officer is:

1-49 (A) engaged in the actual discharge of the  
1-50 officer's duties while carrying the weapon; and

1-51 (B) authorized to carry a weapon under Section  
1-52 76.0051, Government Code;

1-53 (4) an active judicial officer as defined by Section  
1-54 411.201, Government Code, [a judge or justice of a federal court,  
1-55 the supreme court, the court of criminal appeals, a court of  
1-56 appeals, a district court, a criminal district court, a  
1-57 constitutional county court, a statutory county court, a justice  
1-58 court, or a municipal court] who is licensed to carry a concealed  
1-59 handgun under Subchapter H, Chapter 411, Government Code;

1-60 (5) an honorably retired peace officer or federal  
1-61 criminal investigator who holds a certificate of proficiency issued  
1-62 under Section 1701.357, Occupations Code, and is carrying a photo  
1-63 identification that:

2-1 (A) verifies that the officer honorably retired  
2-2 after not less than 15 years of service as a commissioned officer;  
2-3 and

2-4 (B) is issued by a state or local law enforcement  
2-5 agency;

2-6 (6) a district attorney, criminal district attorney,  
2-7 county attorney, or municipal attorney who is licensed to carry a  
2-8 concealed handgun under Subchapter H, Chapter 411, Government Code;

2-9 (7) an assistant district attorney, assistant  
2-10 criminal district attorney, or assistant county attorney who is  
2-11 licensed to carry a concealed handgun under Subchapter H, Chapter  
2-12 411, Government Code;

2-13 (8) a bailiff designated by an active judicial officer  
2-14 as defined by Section 411.201, Government Code, who is:

2-15 (A) licensed to carry a concealed handgun under  
2-16 Chapter 411, Government Code; and

2-17 (B) engaged in escorting the judicial officer; or  
2-18 (9) a juvenile probation officer who is authorized to  
2-19 carry a firearm under Section 142.006, Human Resources Code.

2-20 SECTION 3. The change in law made by this Act applies only  
2-21 to an offense committed on or after the effective date of this Act.  
2-22 An offense committed before the effective date of this Act is  
2-23 covered by the law in effect when the offense was committed, and the  
2-24 former law is continued in effect for that purpose. For purposes of  
2-25 this section, an offense was committed before the effective date of  
2-26 this Act if any element of the offense occurred before that date.

2-27 SECTION 4. This Act takes effect September 1, 2011.

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