

Amend **HB 508** (senate committee report) as follows:

(1) In SECTION 3 of the bill, in the transition language (page 2, line 29), between "SECTION 3." and "The change", insert "(a)".

(2) In SECTION 3 of the bill, in the transition language (page 2, line 30), strike "Section 46.035(c)" and substitute "Subsections (c) and (h-1), Section 46.035, and Subsection (a), Section 46.15".

(3) In SECTION 3 of the bill, in the transition language (page 2, between lines 36 and 37), insert the following:

(b) The change in law made by this Act to Subdivision (1), Subsection (a), Section 411.201, Government Code, applies only to an application to obtain or renew a license to carry a concealed handgun submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

(4) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subsection (a), Section 411.1882, Government Code, is amended to read as follows:

(a) A person who is serving in this state as a judge or justice of a federal court, as an active judicial officer, as defined by Section 411.201, or as the holder of a statewide office, as defined by Section 1.005, Elections Code, a member of the house of representatives or the senate, the state prosecuting attorney or an assistant state prosecuting attorney, an assistant attorney general, United States attorney, assistant United States attorney, special assistant United States attorney, [a] district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney may establish handgun proficiency for the purposes of this subchapter by obtaining from a handgun proficiency instructor approved by the Commission on Law Enforcement Officer Standards and Education for purposes of Section 1702.1675, Occupations Code, a sworn statement that:

(1) indicates that the person, during the 12-month

period preceding the date of the person's application to the department, demonstrated to the instructor proficiency in the use of handguns; and

(2) designates the categories of handguns with respect to which the person demonstrated proficiency.

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

(1) "Active judicial officer" means:

(A) a person serving as a judge or justice of 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;

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

(C) a person appointed and serving as:

(i) an associate judge under Chapter 201, Family Code, or Chapter 54 or 54A; or

(ii) a master or magistrate under Chapter 54.

SECTION _____. Subsection (h-1), Section 46.035, Penal Code, as added by Chapters 1214 (H.B. 1889) and 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, is reenacted and amended to read as follows:

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

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

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

(3) ~~(2)~~ a bailiff designated by the active judicial officer and engaged in escorting the officer; or

(4) the holder of a statewide office, as defined by Section 1.005, Elections Code, a member of the house of representatives or the senate, the state prosecuting attorney, an assistant state prosecuting attorney, an assistant attorney general, or a United States attorney, assistant United States

attorney, special assistant United States attorney, [~~(3)~~—a]
district attorney, assistant district attorney, criminal district
attorney, assistant criminal district attorney, county attorney,
or assistant county attorney.

SECTION _____. Subsection (a), Section 46.15, Penal Code, is
amended to read as follows:

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

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

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

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

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

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

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

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

(4) a judge or justice of a federal court or an active
judicial officer as defined by Section 411.201, Government Code,
who is licensed to carry a concealed handgun under Subchapter H,
Chapter 411, Government Code;

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

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

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

(6) the holder of a statewide office, as defined by Section 1.005, Elections Code, a member of the house of representatives or the senate, the state prosecuting attorney, or United States attorney, or a district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;

(7) an assistant state prosecuting attorney, assistant attorney general, assistant United States attorney, special assistant United States attorney, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;

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

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

(B) engaged in escorting the judicial officer; or

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