

By: Keffer

H.B. No. 1051

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the application of certain concealed handgun license  
3 laws to United States attorneys and assistant United States  
4 attorneys and to the authority of those attorneys to carry certain  
5 weapons.

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

7 SECTION 1. Section 411.179(c), Government Code, is amended  
8 to read as follows:

9 (c) In adopting the form of the license under Subsection  
10 (a), the department shall establish a procedure for the license of a  
11 qualified handgun instructor or of a judge, justice, United States  
12 attorney, assistant United States attorney, prosecuting attorney,  
13 or assistant prosecuting attorney, as described by Section  
14 46.15(a)(4), ~~[or]~~ (6), or (7), Penal Code, to indicate on the  
15 license the license holder's status as a qualified handgun  
16 instructor or as a judge, justice, United States attorney,  
17 assistant United States attorney, district attorney, criminal  
18 district attorney, or county attorney. In establishing the  
19 procedure, the department shall require sufficient documentary  
20 evidence to establish the license holder's status under this  
21 subsection.

22 SECTION 2. Section 411.1882(a), Government Code, is amended  
23 to read as follows:

24 (a) A person who is serving in this state as a judge or

1 justice of a federal court, as an active judicial officer, as  
2 defined by Section 411.201, or as a United States attorney,  
3 assistant United States attorney, district attorney, assistant  
4 district attorney, criminal district attorney, assistant criminal  
5 district attorney, county attorney, or assistant county attorney  
6 may establish handgun proficiency for the purposes of this  
7 subchapter by obtaining from a handgun proficiency instructor  
8 approved by the Texas Private Security Board [~~Commission on Law~~  
9 ~~Enforcement Officer Standards and Education~~] for purposes of  
10 Section 1702.1675, Occupations Code, a sworn statement that:

11 (1) indicates that the person, during the 12-month  
12 period preceding the date of the person's application to the  
13 department, demonstrated to the instructor proficiency in the use  
14 of handguns; and

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

17 SECTION 3. Section 411.201(h), Government Code, is amended  
18 to read as follows:

19 (h) The department shall issue a license to carry a  
20 concealed handgun under the authority of this subchapter to a  
21 United States attorney or an assistant United States attorney or to  
22 an elected attorney representing the state in the prosecution of  
23 felony cases who meets the requirements of this section for an  
24 active judicial officer. The department shall waive any fee  
25 required for the issuance of an original, duplicate, or renewed  
26 license under this subchapter for an applicant who is a United  
27 States attorney or an assistant United States attorney or who is an

1 attorney elected, appointed, or employed, as applicable, to  
2 represent the state or the federal government in the prosecution of  
3 felony cases.

4 SECTION 4. Section 46.035(h-1), Penal Code, as added by  
5 Chapters 1214 (H.B. 1889) and 1222 (H.B. 2300), Acts of the 80th  
6 Legislature, Regular Session, 2007, is reenacted and amended to  
7 read as follows:

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

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

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

14 (3) ~~(2)~~ a bailiff designated by the active judicial  
15 officer and engaged in escorting the officer; or

16 (4) ~~(3)~~ a United States attorney, assistant United  
17 States attorney, district attorney, assistant district attorney,  
18 criminal district attorney, assistant criminal district attorney,  
19 county attorney, or assistant county attorney.

20 SECTION 5. Section 46.15(a), Penal Code, is amended to read  
21 as follows:

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

23 (1) peace officers or special investigators under  
24 Article 2.122, Code of Criminal Procedure, and neither section  
25 prohibits a peace officer or special investigator from carrying a  
26 weapon in this state, including in an establishment in this state  
27 serving the public, regardless of whether the peace officer or

1 special investigator is engaged in the actual discharge of the  
2 officer's or investigator's duties while carrying the weapon;

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

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

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

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

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

16 (B) authorized to carry a weapon under Section  
17 76.0051, Government Code;

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

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

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

1 and

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

4 (6) a United States attorney, district attorney,  
5 criminal district attorney, county attorney, or municipal attorney  
6 who is licensed to carry a concealed handgun under Subchapter H,  
7 Chapter 411, Government Code;

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

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

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

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

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

19 SECTION 6. The changes in law made by this Act in amending  
20 Sections 46.035(h-1) and 46.15(a), Penal Code, apply only to an  
21 offense committed on or after the effective date of this Act. An  
22 offense committed before the effective date of this Act is covered  
23 by the law in effect when the offense was committed, and the former  
24 law is continued in effect for that purpose. For purposes of this  
25 section, an offense was committed before the effective date of this  
26 Act if any element of the offense occurred before that date.

27 SECTION 7. This Act takes effect September 1, 2013.