

By: Springer

H.B. No. 3219

A BILL TO BE ENTITLED

AN ACT

relating to the places where an elected official who is licensed to carry a concealed handgun may carry a concealed handgun.

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

SECTION 1. Section 46.035(f), Penal Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Elected official" means any person holding office pursuant to an election governed by the Election Code.

SECTION 2. Section 46.035(h-1), Penal Code, as added by Chapter 1214 (H.B. 1889), Acts of the 80th Legislature, Regular Session, 2007, is redesignated as Section 46.035(h-2), Penal Code, and amended to read as follows:

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

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

(3) an elected official.

SECTION 3. Section 46.15(a), 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

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

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

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

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

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

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

20 (B) authorized to carry a weapon under Section
21 76.0051, Government Code;

22 (4) an active judicial officer as defined by Section
23 411.201, Government Code, who is licensed to carry a concealed
24 handgun under Subchapter H, Chapter 411, Government Code;

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

1 identification that:

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

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

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

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

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

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

18 (B) engaged in escorting the judicial officer;
19 [~~or~~]

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

22 (10) an elected official, as defined by Section
23 46.035(f), who is licensed to carry a concealed handgun under
24 Subchapter H, Chapter 411, Government Code.

25 SECTION 4. Section 411.179(c), Government Code, is amended
26 to read as follows:

27 (c) In adopting the form of the license under Subsection

1 (a), the department shall establish a procedure for the license of a
2 qualified handgun instructor or of an active judicial officer [~~a~~
3 ~~judge, justice~~], prosecuting attorney, [~~or~~] assistant prosecuting
4 attorney, or elected official, as described by Section 46.15(a)(4),
5 [~~or~~] (6), (7), or (10), Penal Code, to indicate on the license the
6 license holder's status as a qualified handgun instructor or as an
7 active judicial officer [~~a judge, justice~~], district attorney,
8 criminal district attorney, [~~or~~] county attorney, or elected
9 official. In establishing the procedure, the department shall
10 require sufficient documentary evidence to establish the license
11 holder's status under this subsection.

12 SECTION 5. The change in law made by this Act applies only
13 to an offense committed on or after the effective date of this Act.
14 An offense committed before the effective date of this Act is
15 governed by the law in effect when the offense was committed, and
16 the former law is continued in effect for that purpose. For
17 purposes of this section, an offense was committed before the
18 effective date of this Act if any element of the offense occurred
19 before that date.

20 SECTION 6. This Act takes effect September 1, 2013.