

By: Carona

S.B. No. 892

A BILL TO BE ENTITLED

AN ACT

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

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

8 SECTION 1. Subsection (a), Section 411.1882, Government
9 Code, is amended to read as follows:

10 (a) A person who is serving in this state as a judge or
11 justice of a federal court, as an active judicial officer, as
12 defined by Section 411.201, or as the attorney general or an
13 assistant attorney general, United States attorney, assistant
14 United States attorney, special assistant United States attorney,
15 [a] district attorney, assistant district attorney, criminal
16 district attorney, assistant criminal district attorney, county
17 attorney, or assistant county attorney may establish handgun
18 proficiency for the purposes of this subchapter by obtaining from a
19 handgun proficiency instructor approved by the Commission on Law
20 Enforcement Officer Standards and Education for purposes of Section
21 1702.1675, Occupations Code, a sworn statement that:

22 (1) indicates that the person, during the 12-month
23 period preceding the date of the person's application to the
24 department, demonstrated to the instructor proficiency in the use

1 of handguns; and

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

4 SECTION 2. Subsection (h-1), Section 46.035, Penal Code, as
5 added by Chapters 1214 (H.B. 1889) and 1222 (H.B. 2300), Acts of the
6 80th Legislature, Regular Session, 2007, is reenacted and amended
7 to 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) the attorney general or an assistant attorney
17 general, United States attorney, assistant United States attorney,
18 special assistant United States attorney, ~~[(3)—a]~~ district
19 attorney, assistant district attorney, criminal district attorney,
20 assistant criminal district attorney, county attorney, or
21 assistant county attorney.

22 SECTION 3. Subsection (a), Section 46.15, Penal Code, is
23 amended to read as follows:

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

25 (1) peace officers or special investigators under
26 Article 2.122, Code of Criminal Procedure, and neither section
27 prohibits a peace officer or special investigator from carrying a

1 weapon in this state, including in an establishment in this state
2 serving the public, regardless of whether the peace officer or
3 special investigator is engaged in the actual discharge of the
4 officer's or investigator's duties while carrying the weapon;

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

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

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

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

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

18 (B) authorized to carry a weapon under Section
19 76.0051, Government Code;

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

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

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

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

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

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

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

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

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

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

22 SECTION 4. The changes in law made by this Act to Subsection
23 (h-1), Section 46.035, and Subsection (a), Section 46.15, Penal
24 Code, apply only to an offense committed on or after the effective
25 date of this Act. An offense committed before the effective date of
26 this Act is covered by the law in effect on the date the offense was
27 committed, and the former law is continued in effect for that

1 purpose. For purposes of this section, an offense was committed
2 before the effective date of this Act if any element of the offense
3 occurred before that date.

4 SECTION 5. This Act takes effect September 1, 2013.