

By: Carona  
(Carter, Keffer)

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.