

1-1 By: Carona S.B. No. 892
 1-2 (In the Senate - Filed February 27, 2013; March 5, 2013,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 April 10, 2013, reported favorably by the following vote: Yeas 5,
 1-5 Nays 0; April 10, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Huffman	X			
1-9 Carona			X	
1-10 Hinojosa	X			
1-11 Patrick			X	
1-12 Rodriguez	X			
1-13 Schwertner	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the application of certain concealed handgun license
 1-18 laws to the attorney general and to assistant attorneys general,
 1-19 United States attorneys, assistant United States attorneys, and
 1-20 special assistant United States attorneys, and to the authority of
 1-21 those attorneys to carry certain weapons.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subsection (a), Section 411.1882, Government
 1-24 Code, is amended to read as follows:

1-25 (a) A person who is serving in this state as a judge or
 1-26 justice of a federal court, as an active judicial officer, as
 1-27 defined by Section 411.201, or as the attorney general or an
 1-28 assistant attorney general, United States attorney, assistant
 1-29 United States attorney, special assistant United States attorney,
 1-30 [a] district attorney, assistant district attorney, criminal
 1-31 district attorney, assistant criminal district attorney, county
 1-32 attorney, or assistant county attorney may establish handgun
 1-33 proficiency for the purposes of this subchapter by obtaining from a
 1-34 handgun proficiency instructor approved by the Commission on Law
 1-35 Enforcement Officer Standards and Education for purposes of Section
 1-36 1702.1675, Occupations Code, a sworn statement that:

1-37 (1) indicates that the person, during the 12-month
 1-38 period preceding the date of the person's application to the
 1-39 department, demonstrated to the instructor proficiency in the use
 1-40 of handguns; and

1-41 (2) designates the categories of handguns with respect
 1-42 to which the person demonstrated proficiency.

1-43 SECTION 2. Subsection (h-1), Section 46.035, Penal Code, as
 1-44 added by Chapters 1214 (H.B. 1889) and 1222 (H.B. 2300), Acts of the
 1-45 80th Legislature, Regular Session, 2007, is reenacted and amended
 1-46 to read as follows:

1-47 (h-1) It is a defense to prosecution under Subsections (b)
 1-48 and (c) that the actor, at the time of the commission of the
 1-49 offense, was:

1-50 (1) a judge or justice of a federal court;

1-51 (2) an active judicial officer, as defined by Section
 1-52 411.201, Government Code; ~~or~~

1-53 (3) ~~(2)~~ a bailiff designated by the active judicial
 1-54 officer and engaged in escorting the officer; or

1-55 (4) the attorney general or an assistant attorney
 1-56 general, United States attorney, assistant United States attorney,
 1-57 special assistant United States attorney, ~~(3)~~ a
 1-58 district attorney, assistant district attorney, criminal district attorney,
 1-59 assistant criminal district attorney, county attorney, or
 1-60 assistant county attorney.

1-61 SECTION 3. Subsection (a), Section 46.15, Penal Code, is

2-1 amended to read as follows:

2-2 (a) Sections 46.02 and 46.03 do not apply to:

2-3 (1) peace officers or special investigators under
2-4 Article 2.122, Code of Criminal Procedure, and neither section
2-5 prohibits a peace officer or special investigator from carrying a
2-6 weapon in this state, including in an establishment in this state
2-7 serving the public, regardless of whether the peace officer or
2-8 special investigator is engaged in the actual discharge of the
2-9 officer's or investigator's duties while carrying the weapon;

2-10 (2) parole officers and neither section prohibits an
2-11 officer from carrying a weapon in this state if the officer is:

2-12 (A) engaged in the actual discharge of the
2-13 officer's duties while carrying the weapon; and

2-14 (B) in compliance with policies and procedures
2-15 adopted by the Texas Department of Criminal Justice regarding the
2-16 possession of a weapon by an officer while on duty;

2-17 (3) community supervision and corrections department
2-18 officers appointed or employed under Section 76.004, Government
2-19 Code, and neither section prohibits an officer from carrying a
2-20 weapon in this state if the officer is:

2-21 (A) engaged in the actual discharge of the
2-22 officer's duties while carrying the weapon; and

2-23 (B) authorized to carry a weapon under Section
2-24 76.0051, Government Code;

2-25 (4) a judge or justice of a federal court or an active
2-26 judicial officer as defined by Section 411.201, Government Code,
2-27 who is licensed to carry a concealed handgun under Subchapter H,
2-28 Chapter 411, Government Code;

2-29 (5) an honorably retired peace officer or federal
2-30 criminal investigator who holds a certificate of proficiency issued
2-31 under Section 1701.357, Occupations Code, and is carrying a photo
2-32 identification that:

2-33 (A) verifies that the officer honorably retired
2-34 after not less than 15 years of service as a commissioned officer;
2-35 and

2-36 (B) is issued by a state or local law enforcement
2-37 agency;

2-38 (6) the attorney general or a United States attorney,
2-39 district attorney, criminal district attorney, county attorney, or
2-40 municipal attorney who is licensed to carry a concealed handgun
2-41 under Subchapter H, Chapter 411, Government Code;

2-42 (7) an assistant attorney general, assistant United
2-43 States attorney, special assistant United States attorney,
2-44 assistant district attorney, assistant criminal district attorney,
2-45 or assistant county attorney who is licensed to carry a concealed
2-46 handgun under Subchapter H, Chapter 411, Government Code;

2-47 (8) a bailiff designated by an active judicial officer
2-48 as defined by Section 411.201, Government Code, who is:

2-49 (A) licensed to carry a concealed handgun under
2-50 Chapter 411, Government Code; and

2-51 (B) engaged in escorting the judicial officer; or

2-52 (9) a juvenile probation officer who is authorized to
2-53 carry a firearm under Section 142.006, Human Resources Code.

2-54 SECTION 4. The changes in law made by this Act to Subsection
2-55 (h-1), Section 46.035, and Subsection (a), Section 46.15, Penal
2-56 Code, apply only to an offense committed on or after the effective
2-57 date of this Act. An offense committed before the effective date of
2-58 this Act is covered by the law in effect on the date the offense was
2-59 committed, and the former law is continued in effect for that
2-60 purpose. For purposes of this section, an offense was committed
2-61 before the effective date of this Act if any element of the offense
2-62 occurred before that date.

2-63 SECTION 5. This Act takes effect September 1, 2013.

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