

By: King of Hemphill

H.B. No. 353

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the application of certain weapons laws to certain
3 volunteer emergency services personnel licensed to carry a
4 concealed handgun.

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

6 SECTION 1. Section 30.06(e), Penal Code, is amended to read
7 as follows:

8 (e) It is an exception to the application of this section
9 that:

10 (1) the property on which the license holder carries a
11 handgun is owned or leased by a governmental entity and is not a
12 premises or other place on which the license holder is prohibited
13 from carrying the handgun under Section 46.03 or 46.035; or

14 (2) the license holder is volunteer emergency services
15 personnel, as defined by Section 46.01, engaged in providing
16 emergency services in a county with a population of 50,000 or less.

17 SECTION 2. Section 46.01, Penal Code, is amended by adding
18 Subdivision (18) to read as follows:

19 (18) "Volunteer emergency services personnel"
20 includes a volunteer firefighter, an emergency medical services
21 volunteer as defined by Section 773.003, Health and Safety Code,
22 and other individuals who, as a volunteer, provide services for the
23 benefit of the general public during emergency situations.

24 SECTION 3. Section 46.035, Penal Code, is amended by adding

1 Subsection (1) to read as follows:

2 (1) Subsections (b) and (c) do not apply if the actor is
3 volunteer emergency services personnel engaged in providing
4 emergency services in a county with a population of 50,000 or less.

5 SECTION 4. Section 46.15(a), Penal Code, is amended to read
6 as follows:

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

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

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

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

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

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

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

1 (B) authorized to carry a weapon under Section
2 [76.0051](#), Government Code;

3 (4) an active judicial officer as defined by Section
4 [411.201](#), Government Code, who is licensed to carry a concealed
5 handgun under Subchapter H, Chapter 411, Government Code;

6 (5) an honorably retired peace officer, qualified
7 retired law enforcement officer, federal criminal investigator, or
8 former reserve law enforcement officer who holds a certificate of
9 proficiency issued under Section [1701.357](#), Occupations Code, and is
10 carrying a photo identification that is issued by a federal, state,
11 or local law enforcement agency, as applicable, and that verifies
12 that the officer is:

13 (A) an honorably retired peace officer;

14 (B) a qualified retired law enforcement officer;

15 (C) a federal criminal investigator; or

16 (D) a former reserve law enforcement officer who
17 has served in that capacity not less than a total of 15 years with
18 one or more state or local law enforcement agencies;

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

22 (7) an assistant district attorney, assistant
23 criminal district attorney, or assistant county attorney who is
24 licensed to carry a concealed handgun under Subchapter H, Chapter
25 411, Government Code;

26 (8) a bailiff designated by an active judicial officer
27 as defined by Section [411.201](#), Government Code, who is:

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

3 (B) engaged in escorting the judicial officer;
4 [~~or~~]

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

7 (10) a person who is volunteer emergency services
8 personnel if the person is:

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

11 (B) engaged in providing emergency services in a
12 county with a population of 50,000 or less.

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

21 SECTION 6. This Act takes effect September 1, 2015.