

By: Campbell

S.B. No. 1329

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the application of certain concealed handgun license  
3 laws to the attorney general, to assistant attorneys general, and  
4 to federal prosecutors, judges, and justices, and to the authority  
5 of those individuals to carry certain weapons.

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

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

9 (a) A person who is serving in this state as a judge or  
10 justice of a federal court, as an active judicial officer, as  
11 defined by Section 411.201, or as the attorney general or an  
12 assistant attorney general, United States attorney, assistant  
13 United States attorney, special assistant United States attorney,  
14 [a] district attorney, assistant district attorney, criminal  
15 district attorney, assistant criminal district attorney, county  
16 attorney, or assistant county attorney may establish handgun  
17 proficiency for the purposes of this subchapter by obtaining from a  
18 handgun proficiency instructor approved by the Texas Commission on  
19 Law Enforcement for purposes of Section 1702.1675, Occupations  
20 Code, a sworn statement that indicates that the person, during the  
21 12-month period preceding the date of the person's application to  
22 the department, demonstrated to the instructor proficiency in the  
23 use of handguns.

24 SECTION 2. Section 46.035(h-1), Penal Code, as added by

1 Chapters 1214 (H.B. 1889) and 1222 (H.B. 2300), Acts of the 80th  
2 Legislature, Regular Session, 2007, is reenacted and amended to  
3 read as follows:

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

7 (1) a judge or justice of a federal court;

8 (2) an active judicial officer, as defined by Section  
9 [411.201](#), Government Code; ~~or~~

10 (3) ~~(2)~~ a bailiff designated by the active judicial  
11 officer and engaged in escorting the officer; or

12 (4) the attorney general or an assistant attorney  
13 general, United States attorney, assistant United States attorney,  
14 special assistant United States attorney, ~~(3) a~~ district  
15 attorney, assistant district attorney, criminal district attorney,  
16 assistant criminal district attorney, county attorney, or  
17 assistant county attorney.

18 SECTION 3. Section [46.15](#)(a), Penal Code, is amended to read  
19 as follows:

20 (a) Sections [46.02](#) and [46.03](#) do not apply to:

21 (1) peace officers or special investigators under  
22 Article [2.122](#), Code of Criminal Procedure, and neither section  
23 prohibits a peace officer or special investigator from carrying a  
24 weapon in this state, including in an establishment in this state  
25 serving the public, regardless of whether the peace officer or  
26 special investigator is engaged in the actual discharge of the  
27 officer's or investigator's duties while carrying the weapon;

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

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

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

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

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

14                   (B) authorized to carry a weapon under Section  
15 76.0051, Government Code;

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

20           (5) an honorably retired peace officer, qualified  
21 retired law enforcement officer, federal criminal investigator, or  
22 former reserve law enforcement officer who holds a certificate of  
23 proficiency issued under Section 1701.357, Occupations Code, and is  
24 carrying a photo identification that is issued by a federal, state,  
25 or local law enforcement agency, as applicable, and that verifies  
26 that the officer is:

27                   (A) an honorably retired peace officer;

1 (B) a qualified retired law enforcement officer;

2 (C) a federal criminal investigator; or

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

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 Sections  
23 46.035(h-1) and 46.15(a), Penal Code, apply only to an offense  
24 committed on or after the effective date of this Act. An offense  
25 committed before the effective date of this Act is governed by the  
26 law in effect on the date the offense was committed, and the former  
27 law is continued in effect for that purpose. For purposes of this

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

3 SECTION 5. This Act takes effect September 1, 2015.