

By: Flynn

H.B. No. 56

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of a handgun by a first responder engaged in the actual discharge of the first responder's duties.

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

SECTION 1. Section 30.06, Penal Code, is amended by adding Subsection (f) to read as follows:

(f) It is an exception to the application of this section that the license holder was a first responder, as defined by Section 161.0001, Health and Safety Code, engaged in the actual discharge of the first responder's duties.

SECTION 2. Section 30.07, Penal Code, is amended by adding Subsection (g) to read as follows:

(g) It is an exception to the application of this section that the license holder was a first responder, as defined by Section 161.0001, Health and Safety Code, engaged in the actual discharge of the first responder's duties.

SECTION 3. Section 46.035(h-1), Penal Code, as added by Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(h-1) It is a defense to prosecution under Subsections (b)(1), (2), (4), (5), and (6) [~~(4)-(6)~~] and (c) that at the time of the commission of the offense, the actor was:

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

(2) an active judicial officer, as defined by Section

1 411.201, Government Code; [~~or~~]

2 (3) a district attorney, assistant district attorney,
3 criminal district attorney, assistant criminal district attorney,
4 county attorney, or assistant county attorney; or

5 (4) a first responder, as defined by Section 161.0001,
6 Health and Safety Code, who:

7 (A) was carrying a handgun and held a license to
8 carry a handgun under Subchapter H, Chapter 411, Government Code;
9 and

10 (B) was engaged in the actual discharge of the
11 first responder's duties while carrying the handgun.

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

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

15 (1) peace officers or special investigators under
16 Article 2.122, Code of Criminal Procedure, and neither section
17 prohibits a peace officer or special investigator from carrying a
18 weapon in this state, including in an establishment in this state
19 serving the public, regardless of whether the peace officer or
20 special investigator is engaged in the actual discharge of the
21 officer's or investigator's duties while carrying the weapon;

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

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

26 (B) in compliance with policies and procedures
27 adopted by the Texas Department of Criminal Justice regarding the

1 possession of a weapon by an officer while on duty;

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

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

8 (B) authorized to carry a weapon under Section
9 76.0051, Government Code;

10 (4) an active judicial officer as defined by Section
11 411.201, Government Code, who is licensed to carry a handgun under
12 Subchapter H, Chapter 411, Government Code;

13 (5) an honorably retired peace officer, qualified
14 retired law enforcement officer, federal criminal investigator, or
15 former reserve law enforcement officer who holds a certificate of
16 proficiency issued under Section 1701.357, Occupations Code, and is
17 carrying a photo identification that is issued by a federal, state,
18 or local law enforcement agency, as applicable, and that verifies
19 that the officer is:

20 (A) an honorably retired peace officer;

21 (B) a qualified retired law enforcement officer;

22 (C) a federal criminal investigator; or

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

26 (6) a district attorney, criminal district attorney,
27 county attorney, or municipal attorney who is licensed to carry a

1 handgun under Subchapter H, Chapter 411, Government Code;

2 (7) an assistant district attorney, assistant
3 criminal district attorney, or assistant county attorney who is
4 licensed to carry a handgun under Subchapter H, Chapter 411,
5 Government Code;

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

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

10 (B) engaged in escorting the judicial officer;
11 ~~[or]~~

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

14 (10) a first responder, as defined by Section
15 161.0001, Health and Safety Code, who:

16 (A) is carrying a handgun and holds a license to
17 carry a handgun under Subchapter H, Chapter 411, Government Code;
18 and

19 (B) is engaged in the actual discharge of the
20 first responder's duties while carrying the handgun.

21 SECTION 5. The change in law made by this Act applies only
22 to an offense committed on or after the effective date of this Act.
23 An offense committed before the effective date of this Act is
24 governed by the law in effect on the date the offense was committed,
25 and the former law is continued in effect for that purpose. For
26 purposes of this section, an offense was committed before the
27 effective date of this Act if any element of the offense occurred

1 before that date.

2 SECTION 6. This Act takes effect September 1, 2017.