

By: Huffman

S.B. No. 1807

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the application of certain handgun license laws to  
3 certain federal and state attorneys and to the authority of those  
4 attorneys to carry certain weapons.

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

6 SECTION 1. Section 411.179(c), Government Code, is amended  
7 to read as follows:

8 (c) In adopting the form of the license under Subsection  
9 (a), the department shall establish a procedure for the license of a  
10 qualified handgun instructor or of a judge, justice, United States  
11 attorney, assistant United States attorney, prosecuting attorney,  
12 or assistant prosecuting attorney, as described by Section  
13 46.15(a)(4), ~~[or]~~ (6), or (7), Penal Code, to indicate on the  
14 license the license holder's status as a qualified handgun  
15 instructor or as a judge, justice, United States attorney,  
16 assistant United States attorney, district attorney, criminal  
17 district attorney, or county attorney. In establishing the  
18 procedure, the department shall require sufficient documentary  
19 evidence to establish the license holder's status under this  
20 subsection.

21 SECTION 2. Section 411.1882(a), Government Code, is amended  
22 to read as follows:

23 (a) A person who is serving in this state as a judge or  
24 justice of a federal court, as an active judicial officer as defined

1 by Section 411.201, as a United States attorney, assistant United  
2 States attorney, district attorney, assistant district attorney,  
3 criminal district attorney, assistant criminal district attorney,  
4 county attorney, or assistant county attorney, as a supervision  
5 officer as defined by [~~Section 27,~~] Article 42A.001 [~~42.12~~], Code of  
6 Criminal Procedure, or as a juvenile probation officer may  
7 establish handgun proficiency for the purposes of this subchapter  
8 by obtaining from a handgun proficiency instructor approved by the  
9 Texas Commission on Law Enforcement for purposes of Section  
10 1702.1675, Occupations Code, a sworn statement that indicates that  
11 the person, during the 12-month period preceding the date of the  
12 person's application to the department, demonstrated to the  
13 instructor proficiency in the use of handguns.

14 SECTION 3. Section 411.201(h), Government Code, is amended  
15 to read as follows:

16 (h) The department shall issue a license to carry a handgun  
17 under the authority of this subchapter to a United States attorney  
18 or an assistant United States attorney, or to an [~~elected~~] attorney  
19 elected or employed to represent [~~representing~~] the state in the  
20 prosecution of felony cases, who meets the requirements of this  
21 section for an active judicial officer. The department shall waive  
22 any fee required for the issuance of an original, duplicate, or  
23 renewed license under this subchapter for an applicant who is a  
24 United States attorney or an assistant United States attorney or  
25 who is an attorney elected or employed to represent the state in the  
26 prosecution of felony cases.

27 SECTION 4. Section 46.035(h-1), Penal Code, as added by

1 Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular  
2 Session, 2007, is amended to read as follows:

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

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

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

9 (3) a United States attorney, assistant United States  
10 attorney, district attorney, assistant district attorney, criminal  
11 district attorney, assistant criminal district attorney, county  
12 attorney, or assistant county attorney.

13 SECTION 5. Section [46.15](#)(a), Penal Code, is amended to read  
14 as follows:

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

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

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

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

27 (B) in compliance with policies and procedures

1 adopted by the Texas Department of Criminal Justice regarding the  
2 possession of a weapon by an officer while on duty;

3 (3) community supervision and corrections department  
4 officers appointed or employed under Section 76.004, Government  
5 Code, and neither section prohibits an officer from carrying a  
6 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) authorized to carry a weapon under Section  
10 76.0051, Government Code;

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

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

21 (A) an honorably retired peace officer;

22 (B) a qualified retired law enforcement officer;

23 (C) a federal criminal investigator; or

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

27 (6) a United States attorney, district attorney,

1 criminal district attorney, county attorney, or municipal attorney  
2 who is licensed to carry a handgun under Subchapter H, Chapter 411,  
3 Government Code;

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

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

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

12 (B) engaged in escorting the judicial officer; or

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

15 SECTION 6. (a) To the extent of any conflict, this Act  
16 prevails over another Act of the 85th Legislature, Regular Session,  
17 2017, relating to nonsubstantive additions to and corrections in  
18 enacted codes.

19 (b) The change in law made by this Act in amending Sections  
20 46.035 and 46.15, Penal Code, applies only to an offense committed  
21 on or after the effective date of this Act. An offense committed  
22 before the effective date of this Act is governed by the law in  
23 effect on the date the offense was committed, and the former law is  
24 continued in effect for that purpose. For purposes of this section,  
25 an offense was committed before the effective date of this Act if  
26 any element of the offense was committed before that date.

27 SECTION 7. This Act takes effect September 1, 2017.