

By: Huffman
(Metcalf)

S.B. No. 1807

Substitute the following for S.B. No. 1807:

By: Metcalf

C.S.S.B. No. 1807

A BILL TO BE ENTITLED

1 AN ACT

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

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

24 (a) A person who is serving in this state as the attorney

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

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

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

1 prosecution of felony cases.

2 SECTION 4. Section 46.035(h-1), Penal Code, as added by
3 Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular
4 Session, 2007, is amended to read as follows:

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

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

9 (2) an active judicial officer, as defined by Section
10 411.201, Government Code; or

11 (3) the attorney general or a United States attorney,
12 assistant United States attorney, assistant attorney general,
13 district attorney, assistant district attorney, criminal district
14 attorney, assistant criminal district attorney, county attorney,
15 or assistant county attorney.

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

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

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

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

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

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

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

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

12 (B) authorized to carry a weapon under Section
13 76.0051, Government Code;

14 (4) an active judicial officer as defined by Section
15 411.201, Government Code, who is licensed to carry a handgun under
16 Subchapter H, Chapter 411, Government Code;

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

24 (A) an honorably retired peace officer;

25 (B) a qualified retired law enforcement officer;

26 (C) a federal criminal investigator; or

27 (D) a former reserve law enforcement officer who

1 has served in that capacity not less than a total of 15 years with
2 one or more state or local law enforcement agencies;

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

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

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

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

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

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

18 SECTION 6. (a) To the extent of any conflict, this Act
19 prevails over another Act of the 85th Legislature, Regular Session,
20 2017, relating to nonsubstantive additions to and corrections in
21 enacted codes.

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

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

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