

By: Huffman

S.B. No. 1807

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the application of certain concealed handgun license
3 laws to United States attorneys and assistant United States
4 attorneys and to the authority of United States attorneys and
5 assistant United States attorneys to carry certain weapons.

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

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

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

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

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

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

1 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), and (4)-(6), and (c) that at the time of the commission
7 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) a United States attorney, assistant United States
12 attorney, district attorney, assistant district attorney, criminal
13 district attorney, assistant criminal district attorney, county
14 attorney, or assistant county attorney.

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

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

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

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

27 (A) engaged in the actual discharge of the

1 officer's duties while carrying the weapon; and

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

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

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

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

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

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

23 (A) an honorably retired peace officer;

24 (B) a qualified retired law enforcement officer;

25 (C) a federal criminal investigator; or

26 (D) a former reserve law enforcement officer who
27 has served in that capacity not less than a total of 15 years with

1 one or more state or local law enforcement agencies;

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

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

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

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

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

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

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

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

1 the offense was committed before that date.

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