

BILL ANALYSIS

C.S.H.B. 2051
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that it is not uncommon for judicial officers to continue to serve in some public capacity upon retirement. Concerns have been raised that these officials are sometimes subject to threatening conduct and should be able to carry a handgun for their personal protection and in order to safely carry out their duties. C.S.H.B. 2051 seeks to address these concerns by allowing retired judicial officers and a person who retired after serving as a judge or justice of an applicable state court to carry and possess a handgun under certain circumstances where otherwise prohibited.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2051 amends the Penal Code to establish as a defense to prosecution for certain conduct constituting the offense of unlawful carrying of a handgun by a handgun license holder that the actor at the time of the offense was:

- a retired judicial officer;
- a judge or justice of a federal court;
- a person who retired after serving as a judge or justice of an applicable state court; or
- the attorney general or a United States attorney, assistant United States attorney, assistant attorney general, district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney.

The bill exempts a retired judicial officer and a person who retired after serving as a judge or justice of an applicable state court who is licensed to carry a handgun from the application of the offense of unlawful carrying of a weapon and the offense of possessing or going with certain weapons in a place where weapons are prohibited.

C.S.H.B. 2051 repeals Section 46.035(h-1), Penal Code, as added by Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2051 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute makes the bill's provisions applicable to a person who retired after serving as a judge or justice of an applicable state court.