86R7904 JSC-D

By:  Birdwell S.B. No. 403

A BILL TO BE ENTITLED

AN ACT

relating to the carrying or possession of a handgun by and the issuance of handgun licenses to certain governmental officials.

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

SECTION 1.  Section 411.1882(a), Government Code, is amended to read as follows:

(a)  A person who is serving in this state as the attorney general or as a judge or justice of a federal court, as an active judicial officer as defined by Section 411.201, as 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, municipal attorney, or assistant municipal attorney, as a supervision officer as defined by Article 42A.001, Code of Criminal Procedure, or as a juvenile probation officer may establish handgun proficiency for the purposes of this subchapter by obtaining from a handgun proficiency instructor approved by the Texas Commission on Law Enforcement for purposes of Section 1702.1675, Occupations Code, a sworn statement that indicates that the person, during the 12-month period preceding the date of the person's application to the department, demonstrated to the instructor proficiency in the use of handguns.

SECTION 2.  Section 46.035(h-1), Penal Code, as added by Chapter 1214 (H.B. 1889), 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) and (c) that the actor, at the time of the commission of the offense, was:

(1)  an active judicial officer, as defined by Section 411.201, Government Code; [~~or~~]

(2)  a bailiff designated by an [~~the~~] active judicial officer and engaged in escorting the officer;

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

(4)  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, assistant county attorney, municipal attorney, or assistant municipal attorney.

SECTION 3.  Section 46.15(a), Penal Code, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(A)  an honorably retired peace officer;

(B)  a qualified retired law enforcement officer;

(C)  a federal criminal investigator; or

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

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

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

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

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

(B)  engaged in escorting the judicial officer;

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

(10)  a person who is volunteer emergency services personnel if the person is:

(A)  carrying a handgun under the authority of Subchapter H, Chapter 411, Government Code; and

(B)  engaged in providing emergency services.

SECTION 4.  Section 46.035(h-1), Penal Code, as added by Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, is repealed.

SECTION 5.  Section 411.1882(a), Government Code, as amended by this Act, applies only to an application for a license to carry a handgun submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

SECTION 6.  Sections 46.035 and 46.15, Penal Code, as amended by this Act, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7.  This Act takes effect September 1, 2019.