

By: Murr

H.B. No. 2051

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the carrying or possession of a handgun by a retired
3 judicial officer and certain other governmental officials.

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

5 SECTION 1. Section 46.035(h-1), Penal Code, as added by
6 Chapter 1214 (H.B. 1889), Acts of the 80th Legislature, Regular
7 Session, 2007, is amended to read as follows:

8 (h-1) It is a defense to prosecution under Subsections (b)
9 and (c) that the actor, at the time of the commission of the
10 offense, was:

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

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

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

16 (4) the attorney general or a United States attorney,
17 assistant United States attorney, assistant attorney general,
18 district attorney, assistant district attorney, criminal district
19 attorney, assistant criminal district attorney, county attorney,
20 or assistant county attorney.

21 SECTION 2. Section 46.15(a), Penal Code, is amended to read
22 as follows:

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

24 (1) peace officers or special investigators under

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

7 (2) parole officers and neither section prohibits an
8 officer from carrying a 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) in compliance with policies and procedures
12 adopted by the Texas Department of Criminal Justice regarding the
13 possession of a weapon by an officer while on duty;

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

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

20 (B) authorized to carry a weapon under Section
21 76.0051, Government Code;

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

25 (5) an honorably retired peace officer, qualified
26 retired law enforcement officer, federal criminal investigator, or
27 former reserve law enforcement officer who holds a certificate of

1 proficiency issued under Section 1701.357, Occupations Code, and is
2 carrying a photo identification that is issued by a federal, state,
3 or local law enforcement agency, as applicable, and that verifies
4 that the officer is:

- 5 (A) an honorably retired peace officer;
- 6 (B) a qualified retired law enforcement officer;
- 7 (C) a federal criminal investigator; or
- 8 (D) a former reserve law enforcement officer who
9 has served in that capacity not less than a total of 15 years with
10 one or more state or local law enforcement agencies;

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

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

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

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

23 (B) engaged in escorting the judicial officer;

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

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

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

3 (B) engaged in providing emergency services.

4 SECTION 3. Section 46.035(h-1), Penal Code, as added by
5 Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular
6 Session, 2007, is repealed.

7 SECTION 4. The changes in law made by this Act apply only to
8 an offense committed on or after the effective date of this Act. An
9 offense committed before the effective date of this Act is governed
10 by the law in effect when the offense was committed, and the former
11 law is continued in effect for that purpose. For purposes of this
12 section, an offense was committed before the effective date of this
13 Act if any element of the offense occurred before that date.

14 SECTION 5. This Act takes effect September 1, 2019.