

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

1 Session, 2007, is amended to read as follows:

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

5 (1) an active judicial officer, as defined by Section
6 [411.201](#), Government Code; ~~or~~

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

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

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

16 SECTION 3. 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, or assistant
10 municipal attorney who is licensed to carry a handgun under
11 Subchapter H, Chapter 411, Government Code;

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

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

16 (B) engaged in escorting the judicial officer;

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

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

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

23 (B) engaged in providing emergency services.

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26 Session, 2007, is repealed.

27 SECTION 5. Section 411.1882(a), Government Code, as amended

1 by this Act, applies only to an application for a license to carry a
2 handgun submitted on or after the effective date of this Act. An
3 application submitted before the effective date of this Act is
4 governed by the law in effect on the date the application was
5 submitted, and the former law is continued in effect for that
6 purpose.

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

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