

By: Kacal

H.B. No. 2303

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the carrying or possession of a handgun by peace  
3 officers, special investigators, certain retired law enforcement  
4 officers, municipal attorneys, and assistant municipal attorneys  
5 and the issuance of handgun licenses to municipal attorneys and  
6 assistant municipal attorneys.

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

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

10 (a) A person who is serving in this state as the attorney  
11 general or as a judge or justice of a federal court, as an active  
12 judicial officer as defined by Section 411.201, as a United States  
13 attorney, assistant United States attorney, assistant attorney  
14 general, district attorney, assistant district attorney, criminal  
15 district attorney, assistant criminal district attorney, county  
16 attorney, ~~or~~ assistant county attorney, municipal attorney, or  
17 assistant municipal attorney, as a supervision officer as defined  
18 by Article 42A.001, Code of Criminal Procedure, or as a juvenile  
19 probation officer may establish handgun proficiency for the  
20 purposes of this subchapter by obtaining from a handgun proficiency  
21 instructor approved by the Texas Commission on Law Enforcement for  
22 purposes of Section 1702.1675, Occupations Code, a sworn statement  
23 that indicates that the person, during the 12-month period  
24 preceding the date of the person's application to the department,

1 demonstrated to the instructor proficiency in the use of handguns.

2 SECTION 2. Section 46.15, Penal Code, is amended by  
3 amending Subsection (a) and adding Subsection (m) to read as  
4 follows:

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

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

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

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

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

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

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

26 (B) authorized to carry a weapon under Section  
27 76.0051, Government Code;

1           (4) an active judicial officer as defined by Section  
2 [411.201](#), Government Code, who is licensed to carry a handgun under  
3 Subchapter [H](#), Chapter [411](#), Government Code;

4           (5) an honorably retired peace officer or other  
5 qualified retired law enforcement officer, as defined by 18 U.S.C.  
6 Section 926C, who holds a certificate of proficiency issued under  
7 Section [1701.357](#), Occupations Code, and is carrying a photo  
8 identification that is issued by a federal, state, or local law  
9 enforcement agency, as applicable, and that verifies that the  
10 officer is an honorably retired peace officer or other qualified  
11 retired law enforcement officer;

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

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

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

23                   (A) licensed to carry a handgun under Subchapter  
24 [H](#), Chapter [411](#), Government Code; and

25                   (B) engaged in escorting the judicial officer;

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

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

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

5 (B) engaged in providing emergency services.

6 (m) Section 46.035 does not apply to:

7 (1) peace officers or special investigators under  
8 Article 2.122, Code of Criminal Procedure, and that section does  
9 not prohibit a peace officer or special investigator from carrying  
10 a handgun in this state, including in an establishment in this state  
11 serving the public, regardless of whether the peace officer or  
12 special investigator is engaged in the actual discharge of the  
13 officer's or investigator's duties while carrying the handgun; or

14 (2) an honorably retired peace officer or other  
15 qualified retired law enforcement officer, as defined by 18 U.S.C.  
16 Section 926C, who holds a certificate of proficiency issued under  
17 Section 1701.357, Occupations Code, and is carrying a photo  
18 identification that is issued by a federal, state, or local law  
19 enforcement agency, as applicable, and that verifies that the  
20 officer is an honorably retired peace officer or other qualified  
21 retired law enforcement officer.

22 SECTION 3. Section 411.1882(a), Government Code, as amended  
23 by this Act, applies only to an application for a license to carry a  
24 handgun submitted on or after the effective date of this Act. An  
25 application submitted before the effective date of this Act is  
26 governed by the law in effect on the date the application was  
27 submitted, and the former law is continued in effect for that

1 purpose.

2 SECTION 4. Section 46.15, Penal Code, as amended by this  
3 Act, applies only to an offense committed on or after the effective  
4 date of this Act. An offense committed before the effective date of  
5 this Act is governed by the law in effect on the date the offense was  
6 committed, and the former law is continued in effect for that  
7 purpose. For purposes of this section, an offense was committed  
8 before the effective date of this Act if any element of the offense  
9 occurred before that date.

10 SECTION 5. Section 46.15(m), Penal Code, as added by this  
11 Act, is intended only to clarify existing law with respect to the  
12 locations in which peace officers, special investigators, and  
13 qualified retired law enforcement officers may carry a handgun.

14 SECTION 6. This Act takes effect September 1, 2021.