

## **BILL ANALYSIS**

Senate Research Center  
88R9909 JSC-D

H.B. 2291  
By: Slawson et al. (Birdwell)  
State Affairs  
5/12/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Presently under state law, sitting judicial officers, the attorney general, district attorneys, United States attorneys, criminal district attorneys, county attorneys, municipal attorneys, and assistant attorneys are permitted to carry handguns in weapon-restricted areas including courthouses if they are licensed to carry. While active judges and justices are permitted to carry in restricted areas, they lose that privilege after retirement.

With the backlog of cases as a result from the pandemic, retired judges have presided over cases. While they are acting as the presiding judge in some cases, they are still classified as retired and are not able to carry in the chamber or proceeding.

H.B. 2291 amends Section 46.15(a), Penal Code, to allow a retired judge or justice to carry a handgun if licensed to carry a handgun. This section of code already outlines additional peace officers or designated personnel who may carry a handgun in locations where weapons may be prohibited.

H.B. 2291 amends current law relating to the carrying or possession of a handgun by certain retired judges and justices.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 46.15(a), Penal Code, as follows:

(a) Provides that Sections 46.02 (Unlawful Carrying Weapons) and 46.03 (Places Weapons Prohibited) do not apply to:

(1)-(3) makes no changes to these subdivisions;

(4) an active or retired judicial officer as defined by Section 411.201 (Active and Retired Judicial Officers), Government Code, who is licensed to carry a handgun under Subchapter H (License to Carry a Handgun), Chapter 411, Government Code;

(5)-(8) makes no changes to these subdivisions;

(9)-(10) makes nonsubstantive changes to these subdivisions; or

(11) a person who:

(A) retired after serving as a judge or justice described by Section 411.201(a)(1) (relating to the definition of "active judicial officer"), Government Code; and

(B) is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.