

BILL ANALYSIS

C.S.S.B. 599
By: Birdwell
Community Safety, Select
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, active judicial officers, the attorney general, district attorneys, U.S. attorneys, criminal district attorneys, county attorneys, municipal attorneys, and assistant attorneys are permitted to carry handguns in courthouses and other weapon-restricted places if they are licensed to carry a handgun. District clerks' offices are typically housed in courthouse facilities, yet they are not included in that class. Oftentimes, clerks are required to work outside of normal office hours when courthouse security has left for the day. District clerks have important, and sometimes sensitive duties and should also be afforded the opportunity to protect themselves. C.S.S.B. 599 seeks to give district clerks who wish to carry a handgun in the courthouse the opportunity to do so while not conflicting with each judge's control over who may carry in their courtrooms. The bill also seeks to afford this same authority to county clerks.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 599 amends the Government Code to authorize a district or county clerk to obtain a handgun license using the streamlined procedures established for an active judicial officer, contingent on the clerk satisfying all applicable requirements, and to require the Department of Public Safety to waive any fee required for the issuance of an original, duplicate, or renewed handgun license for a district or county clerk. The bill includes a district or county clerk among the persons who, for purposes of obtaining a handgun license, may establish evidence of handgun proficiency by obtaining from an approved handgun proficiency instructor a sworn statement that indicates that the person, during the 12-month period preceding the application date, demonstrated to the instructor proficiency in the use of handguns. These provisions apply only to a handgun license application submitted on or after the bill's effective date.

C.S.S.B. 599 amends the Penal Code to exempt a district or county clerk who is carrying a handgun under the authority of a handgun license from the application of the offense of unlawful carrying of a weapon and the offense of possessing or going with certain weapons in a place where weapons are prohibited. This exemption applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 599 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

Whereas the engrossed applied only to district clerks, the substitute applies also to county clerks.