

## **BILL ANALYSIS**

Senate Research Center  
88R3802 JCG-F

S.B. 599  
By: Birdwell  
State Affairs  
2/22/2023  
As Filed

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

In current statute, active judicial officers, the attorney general, district attorneys, US 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. District clerks are not permitted to carry. Even if district clerks are licensed to carry a handgun, they are unable to carry in courthouses.

S.B. 599 gives the same permissions and license to carry exemptions as those who have been allowed to carry handguns in courthouses.

As proposed, S.B. 599 amends current law relating to the carrying or possession of a handgun by a district clerk and the issuance of a handgun license to a district clerk.

### **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 411.1882(a), Government Code, as follows:

(a) Authorizes a person who is serving in this state in certain positions, including as a district clerk, to establish handgun proficiency for the purposes of Subchapter H (License to Carry a Handgun) by obtaining from a handgun proficiency instructor approved by the Texas Commission on Law Enforcement for purposes of Section 1702.1675 (Training Programs), 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 of Public Safety of the State of Texas (DPS), demonstrated to the instructor proficiency in the use of handguns.

SECTION 2. Amends the heading to Section 411.201, Government Code, to read as follows:

Sec. 411.201. ACTIVE AND RETIRED JUDICIAL OFFICERS; CERTAIN COURT OFFICERS.

SECTION 3. Amends Section 411.201(h), Government Code, as follows:

(h) Requires DPS to issue a license to carry a handgun under the authority of this subchapter to an applicant who meets the requirements of this section for an active judicial officer and who is one of several certain persons, including a district clerk. Makes conforming and nonsubstantive changes.

SECTION 4. 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 certain persons, including a district clerk who is

carrying a handgun the district clerk is licensed to carry under Subchapter H, Chapter 411, Government Code.

SECTION 5. Makes application of Sections 411.1882(a) and 411.201(h), Government Code, as amended by this Act, prospective.

SECTION 6. Makes application of Section 46.15 (Nonapplicability), Penal Code, as amended by this Act, prospective.

SECTION 7. Effective date: September 1, 2023.