By:  Birdwell S.B. No. 599

(In the Senate - Filed January 25, 2023; February 17, 2023, read first time and referred to Committee on State Affairs; March 1, 2023, reported favorably by the following vote: Yeas 11, Nays 0; March 1, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hughes          X

Paxton          X

Bettencourt     X

Birdwell        X

LaMantia        X

Menéndez        X

Middleton       X

Parker          X

Perry           X

Schwertner      X

Zaffirini       X

A BILL TO BE ENTITLED

AN ACT

relating to the carrying or possession of a handgun by a district clerk and the issuance of a handgun license to a district clerk.

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, as a district clerk, 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.  The heading to Section 411.201, Government Code, is amended to read as follows:

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

SECTION 3.  Section 411.201(h), Government Code, is amended to read as follows:

(h)  The department shall 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 a United States attorney or an assistant United States attorney, [~~or to~~] an attorney elected or employed to represent the state in the prosecution of felony cases, or a district clerk [~~who meets the requirements of this section for an active judicial officer~~]. The department shall waive any fee required for the issuance of an original, duplicate, or renewed license under this subchapter for an applicant who is a United States attorney or an assistant United States attorney, [~~or who is~~] an attorney elected or employed to represent the state in the prosecution of felony cases, or a district clerk.

SECTION 4.  Section 46.15(a), Penal Code, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

(7)  an assistant United States attorney, assistant attorney general, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

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

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

(B)  engaged in escorting the judicial officer;

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

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

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

(B)  engaged in providing emergency services; or

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

SECTION 5.  Sections 411.1882(a) and 411.201(h), Government Code, as amended by this Act, apply only to an application for a license to carry a handgun submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

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

SECTION 7.  This Act takes effect September 1, 2023.

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