

By: Anderson

H.B. No. 1648

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the carrying or possession of a handgun by a district
3 clerk and the issuance of a handgun license to a district clerk.

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

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

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

23 SECTION 2. The heading to Section 411.201, Government Code,
24 is amended to read as follows:

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

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

5 (h) The department shall issue a license to carry a handgun
6 under the authority of this subchapter to an applicant who meets the
7 requirements of this section for an active judicial officer and who
8 is a United States attorney or an assistant United States attorney,
9 ~~[or to]~~ an attorney elected or employed to represent the state in
10 the prosecution of felony cases, or a district clerk ~~[who meets the~~
11 ~~requirements of this section for an active judicial officer]~~. The
12 department shall waive any fee required for the issuance of an
13 original, duplicate, or renewed license under this subchapter for
14 an applicant who is a United States attorney or an assistant United
15 States attorney, ~~[or who is]~~ an attorney elected or employed to
16 represent the state in the prosecution of felony cases, or a
17 district clerk.

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

20 (a) Sections 46.02 and 46.03 do not apply to:
21 (1) peace officers or special investigators under
22 Article 2.122, Code of Criminal Procedure, and neither section
23 prohibits a peace officer or special investigator from carrying a
24 weapon in this state, including in an establishment in this state
25 serving the public, regardless of whether the peace officer or
26 special investigator is engaged in the actual discharge of the
27 officer's or investigator's duties while carrying the weapon;

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

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

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

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

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

14 (B) authorized to carry a weapon under Section
15 76.0051, Government Code;

16 (4) an active judicial officer as defined by Section
17 411.201, Government Code, who is licensed to carry a handgun under
18 Subchapter H, Chapter 411, Government Code;

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

27 (6) the attorney general or a United States attorney,

1 district attorney, criminal district attorney, county attorney, or
2 municipal attorney who is licensed to carry a handgun under
3 Subchapter H, Chapter 411, Government Code;

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

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

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

12 (B) engaged in escorting the judicial officer;

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

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

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

19 (B) engaged in providing emergency services; or

20 (11) a district clerk who is carrying a handgun the
21 district clerk is licensed to carry under Subchapter H, Chapter
22 411, Government Code.

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

1 application was submitted, and the former law is continued in
2 effect for that purpose.

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

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