

1-1 By: Slawson, et al. (Senate Sponsor - Birdwell) H.B. No. 2291  
 1-2 (In the Senate - Received from the House May 8, 2023;  
 1-3 May 9, 2023, read first time and referred to Committee on State  
 1-4 Affairs; May 16, 2023, reported favorably by the following vote:  
 1-5 Yeas 11, Nays 0; May 16, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the carrying or possession of a handgun by certain  
 1-22 retired judges and justices.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 46.15(a), Penal Code, is amended to read  
 1-25 as follows:

1-26 (a) Sections 46.02 and 46.03 do not apply to:

1-27 (1) peace officers or special investigators under  
 1-28 Article 2.122, Code of Criminal Procedure, and neither section  
 1-29 prohibits a peace officer or special investigator from carrying a  
 1-30 weapon in this state, including in an establishment in this state  
 1-31 serving the public, regardless of whether the peace officer or  
 1-32 special investigator is engaged in the actual discharge of the  
 1-33 officer's or investigator's duties while carrying the weapon;

1-34 (2) parole officers, and neither section prohibits an  
 1-35 officer from carrying a weapon in this state if the officer is:

1-36 (A) engaged in the actual discharge of the  
 1-37 officer's duties while carrying the weapon; and

1-38 (B) in compliance with policies and procedures  
 1-39 adopted by the Texas Department of Criminal Justice regarding the  
 1-40 possession of a weapon by an officer while on duty;

1-41 (3) community supervision and corrections department  
 1-42 officers appointed or employed under Section 76.004, Government  
 1-43 Code, and neither section prohibits an officer from carrying a  
 1-44 weapon in this state if the officer is:

1-45 (A) engaged in the actual discharge of the  
 1-46 officer's duties while carrying the weapon; and

1-47 (B) authorized to carry a weapon under Section  
 1-48 76.0051, Government Code;

1-49 (4) an active or retired judicial officer as defined  
 1-50 by Section 411.201, Government Code, who is licensed to carry a  
 1-51 handgun under Subchapter H, Chapter 411, Government Code;

1-52 (5) an honorably retired peace officer or other  
 1-53 qualified retired law enforcement officer, as defined by 18 U.S.C.  
 1-54 Section 926C, who holds a certificate of proficiency issued under  
 1-55 Section 1701.357, Occupations Code, and is carrying a photo  
 1-56 identification that is issued by a federal, state, or local law  
 1-57 enforcement agency, as applicable, and that verifies that the  
 1-58 officer is an honorably retired peace officer or other qualified  
 1-59 retired law enforcement officer;

1-60 (6) the attorney general or a United States attorney,  
 1-61 district attorney, criminal district attorney, county attorney, or

2-1 municipal attorney who is licensed to carry a handgun under  
2-2 Subchapter H, Chapter 411, Government Code;

2-3 (7) an assistant United States attorney, assistant  
2-4 attorney general, assistant district attorney, assistant criminal  
2-5 district attorney, or assistant county attorney who is licensed to  
2-6 carry a handgun under Subchapter H, Chapter 411, Government Code;

2-7 (8) a bailiff designated by an active judicial officer  
2-8 as defined by Section 411.201, Government Code, who is:

2-9 (A) licensed to carry a handgun under Subchapter  
2-10 H, Chapter 411, Government Code; and

2-11 (B) engaged in escorting the judicial officer;

2-12 (9) a juvenile probation officer who is authorized to  
2-13 carry a firearm under Section 142.006, Human Resources Code; ~~[or]~~

2-14 (10) a person who is volunteer emergency services  
2-15 personnel if the person is:

2-16 (A) carrying a handgun under the authority of  
2-17 Subchapter H, Chapter 411, Government Code; and

2-18 (B) engaged in providing emergency services; or

2-19 (11) a person who:

2-20 (A) retired after serving as a judge or justice  
2-21 described by Section 411.201(a)(1), Government Code; and

2-22 (B) is licensed to carry a handgun under  
2-23 Subchapter H, Chapter 411, Government Code.

2-24 SECTION 2. The changes in law made by this Act apply only to  
2-25 an offense committed on or after the effective date of this Act. An  
2-26 offense committed before the effective date of this Act is governed  
2-27 by the law in effect when the offense was committed, and the former  
2-28 law is continued in effect for that purpose. For purposes of this  
2-29 section, an offense was committed before the effective date of this  
2-30 Act if any element of the offense occurred before that date.

2-31 SECTION 3. This Act takes effect September 1, 2023.

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