

AN ACT

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

1 is amended to read as follows:

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

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

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

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

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

22 (1) peace officers or special investigators under
23 Article 2.122, Code of Criminal Procedure, and neither section
24 prohibits a peace officer or special investigator from carrying a
25 weapon in this state, including in an establishment in this state
26 serving the public, regardless of whether the peace officer or
27 special investigator is engaged in the actual discharge of the

1 officer's or investigator's duties while carrying the weapon;

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

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

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

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

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

15 (B) authorized to carry a weapon under Section
16 76.0051, Government Code;

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

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

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

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

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

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

13 (B) engaged in escorting the judicial officer;

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

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

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

20 (B) engaged in providing emergency services; or

21 (11) a district or county clerk who is carrying a
22 handgun the clerk is licensed to carry under Subchapter H, Chapter
23 411, Government Code.

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

1 this Act is governed by the law in effect on the date the
2 application was submitted, and the former law is continued in
3 effect for that purpose.

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

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 599 passed the Senate on March 16, 2023, by the following vote: Yeas 29, Nays 1; and that the Senate concurred in House amendment on May 22, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 599 passed the House, with amendment, on May 17, 2023, by the following vote: Yeas 91, Nays 53, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor