

1-1 By: Birdwell S.B. No. 599  
 1-2 (In the Senate - Filed January 25, 2023; February 17, 2023,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 March 1, 2023, reported favorably by the following vote: Yeas 11,  
 1-5 Nays 0; March 1, 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 a district  
 1-22 clerk and the issuance of a handgun license to a district clerk.

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

1-24 SECTION 1. Section 411.1882(a), Government Code, is amended  
 1-25 to read as follows:

1-26 (a) A person who is serving in this state as the attorney  
 1-27 general or as a judge or justice of a federal court, as an active  
 1-28 judicial officer as defined by Section 411.201, as a United States  
 1-29 attorney, assistant United States attorney, assistant attorney  
 1-30 general, district attorney, assistant district attorney, criminal  
 1-31 district attorney, assistant criminal district attorney, county  
 1-32 attorney, or assistant county attorney, as a district clerk, as a  
 1-33 supervision officer as defined by Article 42A.001, Code of Criminal  
 1-34 Procedure, or as a juvenile probation officer may establish handgun  
 1-35 proficiency for the purposes of this subchapter by obtaining from a  
 1-36 handgun proficiency instructor approved by the Texas Commission on  
 1-37 Law Enforcement for purposes of Section 1702.1675, Occupations  
 1-38 Code, a sworn statement that indicates that the person, during the  
 1-39 12-month period preceding the date of the person's application to  
 1-40 the department, demonstrated to the instructor proficiency in the  
 1-41 use of handguns.

1-42 SECTION 2. The heading to Section 411.201, Government Code,  
 1-43 is amended to read as follows:

1-44 Sec. 411.201. ACTIVE AND RETIRED JUDICIAL OFFICERS; CERTAIN  
 1-45 COURT OFFICERS.

1-46 SECTION 3. Section 411.201(h), Government Code, is amended  
 1-47 to read as follows:

1-48 (h) The department shall issue a license to carry a handgun  
 1-49 under the authority of this subchapter to an applicant who meets the  
 1-50 requirements of this section for an active judicial officer and who  
 1-51 is a United States attorney or an assistant United States attorney,  
 1-52 [or to] an attorney elected or employed to represent the state in  
 1-53 the prosecution of felony cases, or a district clerk [who meets the  
 1-54 requirements of this section for an active judicial officer]. The  
 1-55 department shall waive any fee required for the issuance of an  
 1-56 original, duplicate, or renewed license under this subchapter for  
 1-57 an applicant who is a United States attorney or an assistant United  
 1-58 States attorney, [or who is] an attorney elected or employed to  
 1-59 represent the state in the prosecution of felony cases, or a  
 1-60 district clerk.

1-61 SECTION 4. Section 46.15(a), Penal Code, is amended to read

2-1 as follows:

2-2 (a) Sections 46.02 and 46.03 do not apply to:

2-3 (1) peace officers or special investigators under  
2-4 Article 2.122, Code of Criminal Procedure, and neither section  
2-5 prohibits a peace officer or special investigator from carrying a  
2-6 weapon in this state, including in an establishment in this state  
2-7 serving the public, regardless of whether the peace officer or  
2-8 special investigator is engaged in the actual discharge of the  
2-9 officer's or investigator's duties while carrying the weapon;

2-10 (2) parole officers, and neither section prohibits an  
2-11 officer from carrying a weapon in this state if the officer is:

2-12 (A) engaged in the actual discharge of the  
2-13 officer's duties while carrying the weapon; and

2-14 (B) in compliance with policies and procedures  
2-15 adopted by the Texas Department of Criminal Justice regarding the  
2-16 possession of a weapon by an officer while on duty;

2-17 (3) community supervision and corrections department  
2-18 officers appointed or employed under Section 76.004, Government  
2-19 Code, and neither section prohibits an officer from carrying a  
2-20 weapon in this state if the officer is:

2-21 (A) engaged in the actual discharge of the  
2-22 officer's duties while carrying the weapon; and

2-23 (B) authorized to carry a weapon under Section  
2-24 76.0051, Government Code;

2-25 (4) an active judicial officer as defined by Section  
2-26 411.201, Government Code, who is licensed to carry a handgun under  
2-27 Subchapter H, Chapter 411, Government Code;

2-28 (5) an honorably retired peace officer or other  
2-29 qualified retired law enforcement officer, as defined by 18 U.S.C.  
2-30 Section 926C, who holds a certificate of proficiency issued under  
2-31 Section 1701.357, Occupations Code, and is carrying a photo  
2-32 identification that is issued by a federal, state, or local law  
2-33 enforcement agency, as applicable, and that verifies that the  
2-34 officer is an honorably retired peace officer or other qualified  
2-35 retired law enforcement officer;

2-36 (6) the attorney general or a United States attorney,  
2-37 district attorney, criminal district attorney, county attorney, or  
2-38 municipal attorney who is licensed to carry a handgun under  
2-39 Subchapter H, Chapter 411, Government Code;

2-40 (7) an assistant United States attorney, assistant  
2-41 attorney general, assistant district attorney, assistant criminal  
2-42 district attorney, or assistant county attorney who is licensed to  
2-43 carry a handgun under Subchapter H, Chapter 411, Government Code;

2-44 (8) a bailiff designated by an active judicial officer  
2-45 as defined by Section 411.201, Government Code, who is:

2-46 (A) licensed to carry a handgun under Subchapter  
2-47 H, Chapter 411, Government Code; and

2-48 (B) engaged in escorting the judicial officer;

2-49 (9) a juvenile probation officer who is authorized to  
2-50 carry a firearm under Section 142.006, Human Resources Code; ~~or~~

2-51 (10) a person who is volunteer emergency services  
2-52 personnel if the person is:

2-53 (A) carrying a handgun under the authority of  
2-54 Subchapter H, Chapter 411, Government Code; and

2-55 (B) engaged in providing emergency services; or

2-56 (11) a district clerk who is carrying a handgun the  
2-57 district clerk is licensed to carry under Subchapter H, Chapter  
2-58 411, Government Code.

2-59 SECTION 5. Sections 411.1882(a) and 411.201(h), Government  
2-60 Code, as amended by this Act, apply only to an application for a  
2-61 license to carry a handgun submitted on or after the effective date  
2-62 of this Act. An application submitted before the effective date of  
2-63 this Act is governed by the law in effect on the date the  
2-64 application was submitted, and the former law is continued in  
2-65 effect for that purpose.

2-66 SECTION 6. Section 46.15, Penal Code, as amended by this  
2-67 Act, applies only to an offense committed on or after the effective  
2-68 date of this Act. An offense committed before the effective date  
2-69 of this Act is governed by the law in effect on the date the offense

3-1 was committed, and the former law is continued in effect for that  
3-2 purpose. For purposes of this section, an offense was committed  
3-3 before the effective date of this Act if any element of the offense  
3-4 occurred before that date.

3-5 SECTION 7. This Act takes effect September 1, 2023.

3-6

\* \* \* \* \*