

By: LaHood

H.B. No. 2215

A BILL TO BE ENTITLED

AN ACT

relating to the carrying or possession of a handgun by certain retired attorneys representing the state.

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

SECTION 1. Section 46.15(a), Penal Code, as amended by Chapters 501 (H.B. 2291), 765 (H.B. 4504), and 1077 (S.B. 599), Acts of the 88th Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

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

(1) peace officers or special investigators under Article 2A.002, 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 or retired 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 person who retired after serving as an attorney

1 described by Subdivision (6) or (7) and who is licensed to carry a
2 handgun under Subchapter H, Chapter 411, Government Code;

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

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

7 (B) engaged in escorting the judicial officer;

8 (10) [~~(9)~~] a juvenile probation officer who is
9 authorized to carry a firearm under Section 142.006, Human
10 Resources Code;

11 (11) [~~(10)~~] a person who is volunteer emergency
12 services personnel if the person is:

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

15 (B) engaged in providing emergency services;
16 [~~or~~]

17 (12) [~~(11)~~] a person who:

18 (A) retired after serving as a judge or justice
19 described by Section 411.201(a)(1), Government Code; and

20 (B) is licensed to carry a handgun under
21 Subchapter H, Chapter 411, Government Code; or

22 (13) [~~(11)~~] a district or county clerk who is carrying
23 a handgun the clerk is licensed to carry under Subchapter H, Chapter
24 411, Government Code.

25 SECTION 2. The change in law made by this Act applies only
26 to an offense committed on or after the effective date of this Act.
27 An offense committed before the effective date of this Act is

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

6 SECTION 3. To the extent of any conflict, this Act prevails
7 over another Act of the 89th Legislature, Regular Session, 2025,
8 relating to nonsubstantive additions to and corrections in enacted
9 codes.

10 SECTION 4. This Act takes effect September 1, 2025.