

AN ACT

relating to the carrying of weapons by certain judges and justices and district and county attorneys.

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

SECTION 1. Section 411.179, Government Code, is amended by adding Subsection (c) to read as follows:

(c) In adopting the form of the license under Subsection (a), the department shall establish a procedure for the license of a judge, justice, prosecuting attorney, or assistant prosecuting attorney, as described by Section 46.15(a)(4) or (6), Penal Code, to indicate on the license the license holder's status as a judge, justice, district attorney, criminal district attorney, or county attorney. In establishing the procedure, the department shall require sufficient documentary evidence to establish the license holder's status under this subsection.

SECTION 2. Sections 411.181(a) and (b), Government Code, are amended to read as follows:

(a) If a person who is a current license holder moves from the address stated on the license, [or] if the name of the person is changed by marriage or otherwise, or if the person's status as a judge, justice, district attorney, prosecuting attorney, or assistant prosecuting attorney becomes inapplicable for purposes of Section 411.179(c), the person shall, not later than the 30th day after the date of the address, [or] name, or status change, notify

the department and provide the department with the number of the person's license and, as applicable, the person's:

(1) former and new addresses; or

(2) former and new names.

(b) If the name of the license holder is changed by marriage or otherwise, or if the person's status becomes inapplicable as described by Subsection (a), the person shall apply for a duplicate license. The duplicate license must reflect the person's current name and status.

SECTION 3. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.1882 to read as follows:

Sec. 411.1882. EXEMPTION FROM HANDGUN PROFICIENCY CERTIFICATE REQUIREMENT FOR CERTAIN PERSONS. (a) Notwithstanding any other provision of this subchapter, a person may not be required to submit to the department a handgun proficiency certificate to obtain or renew a concealed handgun license issued under this subchapter if:

(1) the person is currently serving in this state as:

(A) a judge or justice of a federal court;

(B) an active judicial officer, as defined by Section 411.201, Government Code; or

(C) a district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney; and

(2) a handgun proficiency instructor approved by the Commission on Law Enforcement Officer Standards and Education for purposes of Section 1702.1675, Occupations Code, makes a sworn

1 statement indicating that the person demonstrated proficiency to
2 the instructor in the use of handguns during the 12-month period
3 preceding the date of the person's application to the department
4 and designating the types of handguns with which the person
5 demonstrated proficiency.

6 (b) The director by rule shall adopt a procedure by which a
7 person who is exempt under Subsection (a) from the handgun
8 proficiency certificate requirement may submit a form
9 demonstrating the person's qualification for an exemption under
10 that subsection. The form must provide sufficient information to
11 allow the department to verify whether the person qualifies for the
12 exemption.

13 (c) A license issued under this section automatically
14 expires on the six-month anniversary of the date the person's
15 status under Subsection (a) becomes inapplicable. A license that
16 expires under this subsection may be renewed under Section 411.185.

17 SECTION 4. Section 411.201(a)(1), Government Code, is
18 amended to read as follows:

19 (1) "Active judicial officer" means:

20 (A) a person serving as a judge or justice of the
21 supreme court, the court of criminal appeals, a court of appeals, a
22 district court, a criminal district court, a constitutional county
23 court, a statutory county court, a justice court, or a municipal
24 court; or

25 (B) a federal judge who is a resident of this
26 state.

27 SECTION 5. Section 46.035, Penal Code, is amended by adding

Subsection (h-1) to read as follows:

(h-1) It is a defense to prosecution under Subsections (b)(1), (2), and (4)-(6), and (c) that at the time of the commission of the offense, the actor was:

(1) a judge or justice of a federal court;

(2) an active judicial officer, as defined by Section 411.201, Government Code; or

(3) a district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney.

SECTION 6. Section 46.15(a), Penal Code, is amended to read as follows:

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

(1) peace officers or special investigators under Article 2.122, 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;

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

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

7 (B) authorized to carry a weapon under Section
8 76.0051, Government Code;

9 (4) a judge or justice of a federal court, the supreme
10 court, the court of criminal appeals, a court of appeals, a district
11 court, a criminal district court, a constitutional county court, a
12 statutory county court, a justice court, or a municipal court who is
13 licensed to carry a concealed handgun under Subchapter H, Chapter
14 411, Government Code;

15 (5) an honorably retired peace officer or federal
16 criminal investigator who holds a certificate of proficiency issued
17 under Section 1701.357, Occupations Code, and is carrying a photo
18 identification that:

19 (A) verifies that the officer honorably retired
20 after not less than 15 years of service as a commissioned officer;
21 and

22 (B) is issued by a state or local law enforcement
23 agency; ~~or~~

24 (6) a district attorney, criminal district attorney,
25 or county attorney who is licensed to carry a concealed handgun
26 under Subchapter H, Chapter 411, Government Code; or

27 (7) an assistant district attorney, assistant

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

4 SECTION 7. The change in law made by this Act applies only
5 to an offense committed on or after the effective date of this Act.
6 An offense committed before the effective date of this Act is
7 covered by the law in effect when the offense was committed, and the
8 former law is continued in effect for that purpose. For purposes of
9 this section, an offense was committed before the effective date of
10 this Act if any element of the offense was committed before that
11 date.

12 SECTION 8. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2007.

H.B. No. 2300

President of the Senate

Speaker of the House

I certify that H.B. No. 2300 was passed by the House on May 10, 2007, by the following vote: Yeas 142, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2300 on May 25, 2007, by the following vote: Yeas 136, Nays 1, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2300 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor