

AN ACT

relating to a person's eligibility for a license to carry a concealed handgun and to the prosecution of certain offenses involving the possession of a weapon.

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

SECTION 1. Section 411.171(4), Government Code, is amended to read as follows:

(4) "Convicted" means an adjudication of guilt or, except as provided in Section 411.1711, an order of deferred adjudication entered against a person by a court of competent jurisdiction whether or not the imposition of the sentence is subsequently probated and the person is discharged from community supervision. The term does not include an adjudication of guilt or an order of deferred adjudication that has been subsequently:

(A) expunged; ~~or~~

(B) pardoned under the authority of a state or federal official; or

(C) otherwise vacated, set aside, annulled, invalidated, discharged, voided, or sealed under any state or federal law.

SECTION 2. Section 411.172, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) For the purposes of this section, an offense under the

1 laws of this state, another state, or the United States is:

2 (1) except as provided by Subsection (b-1), a felony
3 if [~~the offense~~], at the time it is committed, the offense [~~of a~~
4 ~~person's application for a license to carry a concealed handgun~~]:

5 (A) is designated by a law of this state as a
6 felony;

7 (B) contains all the elements of an offense
8 designated by a law of this state as a felony; or

9 (C) is punishable by confinement for one year or
10 more in a penitentiary; and

11 (2) a Class A misdemeanor if the offense is not a
12 felony and confinement in a jail other than a state jail felony
13 facility is affixed as a possible punishment.

14 (b-1) An offense is not considered a felony for purposes of
15 Subsection (b)(1) if, at the time of a person's application for a
16 license to carry a concealed handgun, the offense:

17 (1) is designated by a law of this state as a
18 misdemeanor; or

19 (2) does not contain all the elements of any offense
20 designated by a law of this state as a felony.

21 SECTION 3. Section 46.04, Penal Code, is amended by
22 amending Subsection (d) and adding Subsections (f) and (g) to read
23 as follows:

24 (d) In this section:

25 (1) "Convicted" has the meaning assigned by Section
26 411.171, Government Code.

27 (2) "Family," [~~"family,"~~] "household," and "member

1 of a household" have the meanings assigned by Chapter 71, Family
2 Code.

3 (f) For the purposes of this section, an offense under the
4 laws of this state, another state, or the United States is, except
5 as provided by Subsection (g), a felony if, at the time it is
6 committed, the offense:

7 (1) is designated by a law of this state as a felony;

8 (2) contains all the elements of an offense designated
9 by a law of this state as a felony; or

10 (3) is punishable by confinement for one year or more
11 in a penitentiary.

12 (g) An offense is not considered a felony for purposes of
13 Subsection (f) if, at the time the person possesses a firearm, the
14 offense:

15 (1) is designated by a law of this state as a
16 misdemeanor; or

17 (2) does not contain all the elements of any offense
18 designated by a law of this state as a felony.

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) a judge or justice of a federal court, the supreme
18 court, the court of criminal appeals, a court of appeals, a district
19 court, a criminal district court, a constitutional county court, a
20 statutory county court, a justice court, or a municipal court who is
21 licensed to carry a concealed handgun under Subchapter H, Chapter
22 411, Government Code;

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

27 (A) verifies that the officer honorably retired

1 after not less than 15 years of service as a commissioned officer;
2 and

3 (B) is issued by a state or local law enforcement
4 agency; ~~or~~

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

8 (7) an assistant district attorney, assistant
9 criminal district attorney, or assistant county attorney who is
10 licensed to carry a concealed handgun under Subchapter H, Chapter
11 411, Government Code.

12 SECTION 5. This Act applies only to an offense committed on
13 or after the effective date of this Act. An offense committed
14 before the effective date of this Act is covered by the law in
15 effect at the time the offense was committed, and the former law is
16 continued in effect for that purpose. For purposes of this section,
17 an offense was committed before the effective date of this Act if
18 any element of the offense was committed before that date.

19 SECTION 6. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 1503 was passed by the House on May 10, 2007, by the following vote: Yeas 138, Nays 0, 3 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1503 on May 25, 2007, by the following vote: Yeas 136, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1503 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