

By: Lucio III, Escobar, Pena, Goolsby, O'Day,
et al.

H.B. No. 1503

Substitute the following for H.B. No. 1503:

By: Driver

C.S.H.B. No. 1503

A BILL TO BE ENTITLED

AN ACT

1
2 relating to allowing certain assistant district and county
3 attorneys to carry weapons.

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

5 SECTION 1. Section 46.15(a), Penal Code, is amended to read
6 as follows:

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

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

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

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

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

22 (3) community supervision and corrections department
23 officers appointed or employed under Section 76.004, Government
24 Code, and neither section prohibits an officer from carrying a

1 weapon in this state if the officer is:

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

4 (B) authorized to carry a weapon under Section
5 76.0051, Government Code;

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

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

16 (A) verifies that the officer honorably retired
17 after not less than 15 years of service as a commissioned officer;
18 and

19 (B) is issued by a state or local law enforcement
20 agency; ~~or~~

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

24 (7) an assistant district attorney, assistant
25 criminal district attorney, or assistant county attorney who:

26 (A) is licensed to carry a concealed handgun
27 under Subchapter H, Chapter 411, Government Code; and

1 (B) either:

2 (i) is a felony prosecutor; or

3 (ii) has at least two years' experience as a
4 prosecutor.

5 SECTION 2. This Act applies only to an offense committed on
6 or after the effective date of this Act. An offense committed
7 before the effective date of this Act is covered by the law in
8 effect at the time the offense was committed, and the former law is
9 continued in effect for that purpose. For purposes of this section,
10 an offense was committed before the effective date of this Act if
11 any element of the offense was committed before that date.

12 SECTION 3. This Act takes effect September 1, 2007.