

SENATE AMENDMENTS

2nd Printing

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

H.B. No. 1503

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. 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;

(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

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.

ADOPTED

MAY 23 2007

Lotay Spaw
Secretary of the Senate

By: *J. J. Amy*

H.B. No. **1503**

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

By: *J. J. Amy*

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
6 read 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
11 a weapon in this state, including in an establishment in this
12 state serving the public, regardless of whether the peace
13 officer or special investigator is engaged in the actual
14 discharge of the officer's or investigator's duties while
15 carrying the weapon;

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

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

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

23 (3) community supervision and corrections department

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1 officers appointed or employed under Section 76.004, Government
2 Code, and neither section prohibits an officer from carrying a
3 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) authorized to carry a weapon under Section
7 76.0051, Government Code;

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

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

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

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

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

26 (7) an assistant district attorney, assistant

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

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

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

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ADOPTED

FLOOR AMENDMENT NO. 1

MAY 23 2007 BY:



Adair Spaw
Secretary of the Senate

1 Amend H.B. No. 1503 (Senate Committee Printing) by adding
2 the following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS accordingly:

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

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

14 (A) expunged; [~~or~~]

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

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

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

23 (b) For the purposes of this section, an offense under the
24 laws of this state, another state, or the United States is:

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

29 (A) is designated by a law of this state as a

1 felony;

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

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

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

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

12 (1) is designated by a law of this state as a
13 misdemeanor; or

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

16 SECTION _____. Section 46.04, Penal Code, is amended by
17 amending Subsection (d) and adding Subsections (f) and (g) to
18 read as follows:

19 (d) In this section:

20 (1) "Convicted" has the meaning assigned by Section
21 411.171, Government Code.

22 (2) "Family," [~~7~~ "family,"] "household," and "member
23 of a household" have the meanings assigned by Chapter 71, Family
24 Code.

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

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

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

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

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

6 (1) is designated by a law of this state as a
7 misdemeanor; or

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

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 19, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1503 by Lucio III (Relating to allowing certain assistant district and county attorneys to carry weapons.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, ES, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 17, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1503 by Lucio III (Relating to allowing certain assistant district and county attorneys to carry weapons.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, ES, DB

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 23, 2007

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB1503** by Lucio III (Relating to allowing certain assistant district and county attorneys to carry weapons.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, ES, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 15, 2007

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1503 by Lucio III (Relating to allowing certain assistant district and county attorneys to carry weapons.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, ES, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

May 19, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB1503** by Lucio III (Relating to allowing certain assistant district and county attorneys to carry weapons.), **Committee Report 2nd House, Substituted**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, GG, LM

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

May 17, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1503 by Lucio III (Relating to allowing certain assistant district and county attorneys to carry weapons.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, GG, LM

