

1-1 By: Huffman S.B. No. 1807
 1-2 (In the Senate - Filed March 9, 2017; March 23, 2017, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 3, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 3, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1807 By: Huffman

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the application of certain handgun license laws to
 1-22 certain federal and state attorneys and to the authority of those
 1-23 attorneys to carry certain weapons.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 411.179(c), Government Code, is amended
 1-26 to read as follows:

1-27 (c) In adopting the form of the license under Subsection
 1-28 (a), the department shall establish a procedure for the license of a
 1-29 qualified handgun instructor or of a judge, justice, United States
 1-30 attorney, assistant United States attorney, prosecuting attorney,
 1-31 or assistant prosecuting attorney, as described by Section
 1-32 46.15(a)(4), [or] (6), or (7), Penal Code, to indicate on the
 1-33 license the license holder's status as a qualified handgun
 1-34 instructor or as a judge, justice, United States attorney,
 1-35 assistant United States attorney, district attorney, criminal
 1-36 district attorney, or county attorney. In establishing the
 1-37 procedure, the department shall require sufficient documentary
 1-38 evidence to establish the license holder's status under this
 1-39 subsection.

1-40 SECTION 2. Section 411.1882(a), Government Code, is amended
 1-41 to read as follows:

1-42 (a) A person who is serving in this state as a judge or
 1-43 justice of a federal court, as an active judicial officer as defined
 1-44 by Section 411.201, as a United States attorney, assistant United
 1-45 States attorney, district attorney, assistant district attorney,
 1-46 criminal district attorney, assistant criminal district attorney,
 1-47 county attorney, or assistant county attorney, as a supervision
 1-48 officer as defined by [Section 2,] Article 42A.001 [42.12], Code of
 1-49 Criminal Procedure, or as a juvenile probation officer may
 1-50 establish handgun proficiency for the purposes of this subchapter
 1-51 by obtaining from a handgun proficiency instructor approved by the
 1-52 Texas Commission on Law Enforcement for purposes of Section
 1-53 1702.1675, Occupations Code, a sworn statement that indicates that
 1-54 the person, during the 12-month period preceding the date of the
 1-55 person's application to the department, demonstrated to the
 1-56 instructor proficiency in the use of handguns.

1-57 SECTION 3. Section 411.201(h), Government Code, is amended
 1-58 to read as follows:

1-59 (h) The department shall issue a license to carry a handgun
 1-60 under the authority of this subchapter to a United States attorney

2-1 or an assistant United States attorney, or to an ~~electe~~ attorney
 2-2 electe or employed to represent ~~representing~~ the state in the
 2-3 prosecution of felony cases, who meets the requirements of this
 2-4 section for an active judicial officer. The department shall waive
 2-5 any fee required for the issuance of an original, duplicate, or
 2-6 renewed license under this subchapter for an applicant who is a
 2-7 United States attorney or an assistant United States attorney or
 2-8 who is an attorney electe or employed to represent the state in the
 2-9 prosecution of felony cases.

2-10 SECTION 4. Section 46.035(h-1), Penal Code, as added by
 2-11 Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular
 2-12 Session, 2007, is amended to read as follows:

2-13 (h-1) It is a defense to prosecution under Subsections
 2-14 (b)(1), (2), (4), (5), and (6) [~~(4)-(6)~~] and (c) that at the time
 2-15 of the commission of the offense, the actor was:

- 2-16 (1) a judge or justice of a federal court;
- 2-17 (2) an active judicial officer, as defined by Section
 2-18 411.201, Government Code; or
- 2-19 (3) a United States attorney, assistant United States
 2-20 attorney, district attorney, assistant district attorney, criminal
 2-21 district attorney, assistant criminal district attorney, county
 2-22 attorney, or assistant county attorney.

2-23 SECTION 5. Section 46.15(a), Penal Code, is amended to read
 2-24 as follows:

2-25 (a) Sections 46.02 and 46.03 do not apply to:

2-26 (1) peace officers or special investigators under
 2-27 Article 2.122, Code of Criminal Procedure, and neither section
 2-28 prohibits a peace officer or special investigator from carrying a
 2-29 weapon in this state, including in an establishment in this state
 2-30 serving the public, regardless of whether the peace officer or
 2-31 special investigator is engaged in the actual discharge of the
 2-32 officer's or investigator's duties while carrying the weapon;

2-33 (2) parole officers and neither section prohibits an
 2-34 officer from carrying a weapon in this state if the officer is:

- 2-35 (A) engaged in the actual discharge of the
 2-36 officer's duties while carrying the weapon; and
- 2-37 (B) in compliance with policies and procedures
 2-38 adopted by the Texas Department of Criminal Justice regarding the
 2-39 possession of a weapon by an officer while on duty;

2-40 (3) community supervision and corrections department
 2-41 officers appointed or employed under Section 76.004, Government
 2-42 Code, and neither section prohibits an officer from carrying a
 2-43 weapon in this state if the officer is:

2-44 (A) engaged in the actual discharge of the
 2-45 officer's duties while carrying the weapon; and

2-46 (B) authorized to carry a weapon under Section
 2-47 76.0051, Government Code;

2-48 (4) an active judicial officer as defined by Section
 2-49 411.201, Government Code, who is licensed to carry a handgun under
 2-50 Subchapter H, Chapter 411, Government Code;

2-51 (5) an honorably retired peace officer, qualified
 2-52 retired law enforcement officer, federal criminal investigator, or
 2-53 former reserve law enforcement officer who holds a certificate of
 2-54 proficiency issued under Section 1701.357, Occupations Code, and is
 2-55 carrying a photo identification that is issued by a federal, state,
 2-56 or local law enforcement agency, as applicable, and that verifies
 2-57 that the officer is:

- 2-58 (A) an honorably retired peace officer;
- 2-59 (B) a qualified retired law enforcement officer;
- 2-60 (C) a federal criminal investigator; or
- 2-61 (D) a former reserve law enforcement officer who
 2-62 has served in that capacity not less than a total of 15 years with
 2-63 one or more state or local law enforcement agencies;

2-64 (6) a United States attorney, district attorney,
 2-65 criminal district attorney, county attorney, or municipal attorney
 2-66 who is licensed to carry a handgun under Subchapter H, Chapter 411,
 2-67 Government Code;

2-68 (7) an assistant United States attorney, assistant
 2-69 district attorney, assistant criminal district attorney, or

3-1 assistant county attorney who is licensed to carry a handgun under
3-2 Subchapter H, Chapter 411, Government Code;

3-3 (8) a bailiff designated by an active judicial officer
3-4 as defined by Section 411.201, Government Code, who is:

3-5 (A) licensed to carry a handgun under Subchapter
3-6 H, Chapter 411, Government Code; and

3-7 (B) engaged in escorting the judicial officer; or

3-8 (9) a juvenile probation officer who is authorized to
3-9 carry a firearm under Section 142.006, Human Resources Code.

3-10 SECTION 6. (a) To the extent of any conflict, this Act
3-11 prevails over another Act of the 85th Legislature, Regular Session,
3-12 2017, relating to nonsubstantive additions to and corrections in
3-13 enacted codes.

3-14 (b) The change in law made by this Act in amending Sections
3-15 46.035 and 46.15, Penal Code, applies only to an offense committed
3-16 on or after the effective date of this Act. An offense committed
3-17 before the effective date of this Act is governed by the law in
3-18 effect on the date the offense was committed, and the former law is
3-19 continued in effect for that purpose. For purposes of this section,
3-20 an offense was committed before the effective date of this Act if
3-21 any element of the offense was committed before that date.

3-22 SECTION 7. This Act takes effect September 1, 2017.

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