

By: Patrick, et al.
(Gallego, Kleinschmidt)

S.B. No. 905

A BILL TO BE ENTITLED

AN ACT

relating to the application of certain concealed handgun license laws to statewide elected officials, certain current and former members of the legislature, and certain federal and state employees.

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

SECTION 1. Subsection (h-1), Section 46.035, Penal Code, as added by Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, is amended 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;

(4) a United States attorney or an assistant United States attorney;

(5) a statewide elected official;

(6) a member of the legislature; or

(7) a noncommissioned employee of the Department of Public Safety, designated by the director of the department.

1 SECTION 2. Section 46.035, Penal Code, is amended by adding
2 Subsection (h-2) to read as follows:

3 (h-2) It is a defense to prosecution under Subsections
4 (b)(1), (2), and (4)-(6), and (c) that at the time of the commission
5 of the offense, the actor was a person who on September 1, 2011, was
6 serving as a member of the legislature and possessed a concealed
7 handgun license under Subchapter H, Chapter 411, Government Code,
8 if the person is no longer a member at the time of the offense and if
9 the license has not yet been subject to renewal since the person
10 ceased to be a member. This subsection expires on September 1,
11 2020.

12 SECTION 3. The change in law made by this Act applies only
13 to an offense committed on or after the effective date of this Act.
14 An offense committed before the effective date of this Act is
15 governed by the law in effect on the date the offense was committed,
16 and the former law is continued in effect for that purpose. For
17 purposes of this section, an offense was committed before the
18 effective date of this Act if any element of the offense occurred
19 before that date.

20 SECTION 4. This Act takes effect September 1, 2011.

COMMITTEE AMENDMENT NO. 1

SECTION _____. Amend S.B. 905 (Engrossed) with the following:

(1) On page 1 line 18 insert "or" after ";".

(2) On page 1 line 20 strike ";" after "States attorney" and replace it with "."

(3) Strike Page 1 line 21 through page 2 line 11.

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