

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-24-13

Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 508 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

John Carmon
CARMON

Crevel

Kent Packer

Tommy

On the part of the Senate

Bob Guillet
GHILLEN

Don Flynn
FLYNN

Allen Fletcher
FLETCHER

Pickett
PICKETT

SARETS On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 508

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of certain governmental officials to
3 carry certain weapons on certain premises, and to certain offenses
4 relating to carrying concealed handguns on property owned or leased
5 by a governmental entity; providing a civil penalty.

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

7 SECTION 1. Section 411.1882(a), Government Code, is amended
8 to read as follows:

9 (a) A person who is serving in this state as a judge or
10 justice of a federal court, as an active judicial officer, as
11 defined by Section 411.201, or as the holder of a statewide office,
12 as defined by Section 1.005, Election Code, a member of the house of
13 representatives or the senate, a member of the United States
14 Congress, the state prosecuting attorney or an assistant state
15 prosecuting attorney, an assistant attorney general, United States
16 attorney, assistant United States attorney, special assistant
17 United States attorney, [a] district attorney, assistant district
18 attorney, criminal district attorney, assistant criminal district
19 attorney, county attorney, or assistant county attorney may
20 establish handgun proficiency for the purposes of this subchapter
21 by obtaining from a handgun proficiency instructor approved by the
22 Commission on Law Enforcement Officer Standards and Education for
23 purposes of Section 1702.1675, Occupations Code, a sworn statement
24 that:

1 (1) indicates that the person, during the 12-month
2 period preceding the date of the person's application to the
3 department, demonstrated to the instructor proficiency in the use
4 of handguns; and

5 (2) designates the categories of handguns with respect
6 to which the person demonstrated proficiency.

7 SECTION 2. Section 411.201(a)(1), Government Code, is
8 amended to read as follows:

9 (1) "Active judicial officer" means:

10 (A) a person serving as a judge or justice of the
11 supreme court, the court of criminal appeals, a court of appeals, a
12 district court, a criminal district court, a constitutional county
13 court, a statutory county court, a justice court, or a municipal
14 court;

15 (B) a federal judge who is a resident of this
16 state; or

17 (C) a person appointed and serving as:

18 (i) an associate judge under Chapter 201,
19 Family Code, or Chapter 54 or 54A; or

20 (ii) a master or magistrate under Chapter
21 54.

22 SECTION 3. Subchapter H, Chapter 411, Government Code, is
23 amended by adding Section 411.209 to read as follows:

24 Sec. 411.209. WRONGFUL EXCLUSION OF CONCEALED HANDGUN
25 LICENSE HOLDER. (a) A state agency or a political subdivision of
26 the state may not provide notice by a communication described by
27 Section 30.06, Penal Code, or by any sign expressly referring to

1 that law or to a concealed handgun license, that a person who is
2 serving in this state as a judge or justice of a federal court, as an
3 active judicial officer, as defined by Section 411.201, or as the
4 holder of a statewide office, as defined by Section 1.005, Election
5 Code, a member of the house of representatives or the senate, a
6 member of the United States Congress, the state prosecuting
7 attorney or an assistant state prosecuting attorney, an assistant
8 attorney general, United States attorney, assistant United States
9 attorney, special assistant United States attorney, district
10 attorney, assistant district attorney, criminal district attorney,
11 assistant criminal district attorney, county attorney, or
12 assistant county attorney licensed to carry a handgun under the
13 authority of this subchapter, or any other license holder is, while
14 carrying a handgun under the authority of this subchapter,
15 prohibited from entering or remaining on a premises or other place
16 owned or leased by the governmental entity unless the license
17 holders are prohibited from carrying a handgun on the premises or
18 other place by Section 46.03 or 46.035, Penal Code, as appropriate.

19 (b) A state agency or a political subdivision of the state
20 that violates Subsection (a) is liable for a civil penalty of:

21 (1) not less than \$1,000 and not more than \$1,500 for
22 the first violation; and

23 (2) not less than \$10,000 and not more than \$10,500 for
24 the second or a subsequent violation.

25 (c) Each day of a continuing violation of Subsection (a)
26 constitutes a separate violation.

27 (d) A person licensed to carry a concealed handgun under

1 this subchapter, regardless of whether the person is specifically
2 described by Subsection (a), or any citizen of this state may file a
3 complaint with the attorney general that a state agency or
4 political subdivision is in violation of Subsection (a) or (i). A
5 complaint filed under this subsection must include evidence of the
6 violation.

7 (e) A civil penalty collected by the attorney general under
8 this section shall be deposited to the credit of the compensation to
9 victims of crime fund established under Subchapter B, Chapter 56,
10 Code of Criminal Procedure.

11 (f) Before a suit may be brought against a state agency or a
12 political subdivision of the state for a violation of Subsection
13 (a) or (i), the attorney general must investigate the complaint to
14 determine whether legal action is warranted. If legal action is
15 warranted, the attorney general must give the chief administrative
16 officer of the agency or political subdivision charged with the
17 violation a written notice that:

18 (1) describes the violation and specific location of
19 the sign found to be in violation;

20 (2) states the amount of the proposed penalty for the
21 violation; and

22 (3) gives the agency or political subdivision 15 days
23 from receipt of the notice to remove the sign and cure the violation
24 to avoid the penalty, unless the agency or political subdivision
25 was found liable by a court for previously violating Subsection (a)
26 or (i).

27 (g) If the attorney general determines that legal action is

1 warranted and that the state agency or political subdivision has
2 not cured the violation within the 15-day period provided by
3 Subsection (f)(3), the attorney general or the appropriate county
4 or district attorney may sue to collect the civil penalty provided
5 by Subsection (b). The attorney general may also file a petition for
6 a writ of mandamus or apply for other appropriate equitable relief.
7 A suit or petition under this subsection may be filed in a district
8 court in Travis County or in a county in which the principal office
9 of the state agency or political subdivision is located. The
10 attorney general may recover reasonable expenses incurred in
11 obtaining relief under this subsection, including court costs,
12 reasonable attorney's fees, investigative costs, witness fees, and
13 deposition costs.

14 (h) Sovereign immunity to suit is waived and abolished to
15 the extent of liability created by this section.

16 (i) A state agency or a political subdivision of the state
17 may not provide notice by a communication described by Section
18 30.06, Penal Code, or by any sign expressly referring to that law or
19 to a concealed handgun license, that a person who is serving in this
20 state as a judge or justice of a federal court, as an active
21 judicial officer, as defined by Section 411.201, or as the holder of
22 a statewide office, as defined by Section 1.005, Election Code, a
23 member of the house of representatives or the senate, a member of
24 the United States Congress, the state prosecuting attorney or an
25 assistant state prosecuting attorney, an assistant attorney
26 general, United States attorney, assistant United States attorney,
27 special assistant United States attorney, district attorney,

1 assistant district attorney, criminal district attorney, assistant
2 criminal district attorney, county attorney, or assistant county
3 attorney licensed to carry a handgun under the authority of this
4 subchapter is, while carrying a handgun under the authority of this
5 subchapter, prohibited from entering or remaining on a premises or
6 other place owned or leased by the governmental entity unless the
7 license holders are prohibited from carrying a handgun on the
8 premises or other place by Section 46.035, Penal Code.

9 SECTION 4. Section 46.035(c), Penal Code, is amended to
10 read as follows:

11 (c) A license holder commits an offense if the license
12 holder intentionally, knowingly, or recklessly carries a handgun
13 under the authority of Subchapter H, Chapter 411, Government Code,
14 regardless of whether the handgun is concealed, in the room or rooms
15 where a [at any] meeting of a governmental entity is held and if the
16 meeting is an open meeting subject to Chapter 551, Government Code,
17 and the entity provided notice as required by that chapter. The
18 defense to prosecution provided by Subsection (h-1) applies to the
19 prosecution of an offense under this subsection.

20 SECTION 5. (a) Section 46.035(h-1), Penal Code, as added by
21 Chapter 1214 (H.B. 1889), Acts of the 80th Legislature, Regular
22 Session, 2007, is amended to read as follows:

23 (h-1) It is a defense to prosecution under Subsections (b)
24 and (c) that the actor, at the time of the commission of the
25 offense, was:

26 (1) an active judicial officer, as defined by Section
27 411.201, Government Code; ~~or~~

1 (2) a bailiff designated by the active judicial
2 officer and engaged in escorting the officer;

3 (3) a judge or justice of a federal court; or

4 (4) the holder of a statewide office, as defined by
5 Section 1.005, Election Code, a member of the house of
6 representatives or the senate, a member of the United States
7 Congress, the state prosecuting attorney, an assistant state
8 prosecuting attorney, an assistant attorney general, or a United
9 States attorney, assistant United States attorney, special
10 assistant United States attorney, district attorney, assistant
11 district attorney, criminal district attorney, assistant criminal
12 district attorney, county attorney, or assistant county attorney.

13 (b) Section 46.035(h-1), Penal Code, as added by Chapter
14 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session,
15 2007, is repealed.

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

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

19 (1) peace officers or special investigators under
20 Article 2.122, Code of Criminal Procedure, and neither section
21 prohibits a peace officer or special investigator from carrying a
22 weapon in this state, including in an establishment in this state
23 serving the public, regardless of whether the peace officer or
24 special investigator is engaged in the actual discharge of the
25 officer's or investigator's duties while carrying the weapon;

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

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

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

6 (3) community supervision and corrections department
7 officers appointed or employed under Section 76.004, Government
8 Code, and neither section prohibits an officer from carrying a
9 weapon in this state if the officer is:

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

12 (B) authorized to carry a weapon under Section
13 76.0051, Government Code;

14 (4) a judge or justice of a federal court or an active
15 judicial officer as defined by Section 411.201, Government Code,
16 who is licensed to carry a concealed handgun under Subchapter H,
17 Chapter 411, Government Code;

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

22 (A) verifies that the officer honorably retired
23 after not less than 15 years of service as a commissioned officer;
24 and

25 (B) is issued by a state or local law enforcement
26 agency;

27 (6) the holder of a statewide office, as defined by

1 Section 1.005, Election Code, a member of the house of
2 representatives or the senate, a member of the United States
3 Congress, the state prosecuting attorney, a United States attorney,
4 or a district attorney, criminal district attorney, county
5 attorney, or municipal attorney who is licensed to carry a
6 concealed handgun under Subchapter H, Chapter 411, Government Code;

7 (7) an assistant state prosecuting attorney,
8 assistant attorney general, assistant United States attorney,
9 special assistant United States attorney, assistant district
10 attorney, assistant criminal district attorney, or assistant
11 county attorney who is licensed to carry a concealed handgun under
12 Subchapter H, Chapter 411, Government Code;

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

15 (A) licensed to carry a concealed handgun under
16 Chapter 411, Government Code; and

17 (B) engaged in escorting the judicial officer; or

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

20 SECTION 7. (a) The change in law made by this Act in
21 amending Sections 46.035(c) and (h-1) and Section 46.15(a), Penal
22 Code, applies only to an offense committed on or after the effective
23 date of this Act. An offense committed before the effective date of
24 this Act is governed by the law in effect on the date the offense was
25 committed, and the former law is continued in effect for that
26 purpose. For purposes of this section, an offense was committed
27 before the effective date of this Act if any element of the offense

1 occurred before that date.

2 (b) The change in law made by this Act to Section
3 411.201(a)(1), Government Code, applies only to an application to
4 obtain or renew a license to carry a concealed handgun submitted on
5 or after the effective date of this Act. An application submitted
6 before the effective date of this Act is governed by the law in
7 effect when the application was submitted, and the former law is
8 continued in effect for that purpose.

9 SECTION 8. This Act takes effect September 1, 2013.

House Bill 508
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

No equivalent provision.

SECTION __. Subsection (a), Section 411.1882, Government Code, is amended to read as follows:

(a) A person who is serving in this state as a judge or justice of a federal court, as an active judicial officer, as defined by Section 411.201, or as the holder of a statewide office, as defined by Section 1.005, Elections Code, a member of the house of representatives or the senate, the state prosecuting attorney or an assistant state prosecuting attorney, an assistant attorney general, United States attorney, assistant United States attorney, special assistant United States attorney, [a] district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney may establish handgun proficiency for the purposes of this subchapter by obtaining from a handgun proficiency instructor approved by the Commission on Law Enforcement Officer Standards and Education for purposes of Section 1702.1675, Occupations Code, a sworn statement that:

- (1) indicates that the person, during the 12-month period preceding the date of the person's application to the department, demonstrated to the instructor proficiency in the use of handguns; and
- (2) designates the categories of handguns with respect to which the person demonstrated proficiency. [FA1(4)]

No equivalent provision.

SECTION __. Subdivision (1), Subsection (a), Section 411.201, Government Code, is amended to read as follows:

- (1) "Active judicial officer" means:
 - (A) a person serving as a judge or justice of the supreme court, the court of criminal appeals, a court of appeals, a

SECTION 1. Same as Senate version except as follows:

(a) A person who is serving in this state as a judge or justice of a federal court, as an active judicial officer, as defined by Section 411.201, or as the holder of a statewide office, as defined by Section 1.005, Election Code, a member of the house of representatives or the senate, *a member of the United States Congress*, the state prosecuting attorney or an assistant state prosecuting attorney, an assistant attorney general, United States attorney, assistant United States attorney, special assistant United States attorney, [a] district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney may establish handgun proficiency for the purposes of this subchapter by obtaining from a handgun proficiency instructor approved by the Commission on Law Enforcement Officer Standards and Education for purposes of Section 1702.1675, Occupations Code, a sworn statement that:

- (1) indicates that the person, during the 12-month period preceding the date of the person's application to the department, demonstrated to the instructor proficiency in the use of handguns; and
- (2) designates the categories of handguns with respect to which the person demonstrated proficiency.

SECTION 2. Same as Senate version except for recitation.

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district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court;

(B) a federal judge who is a resident of this state; or

(C) a person appointed and serving as;

(i) an associate judge under Chapter 201, Family Code, or Chapter 54 or 54A; or

(ii) a master or magistrate under Chapter 54. [FA1(4)]

SECTION 1. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.209 to read as follows:

Sec. 411.209. WRONGFUL EXCLUSION OF CONCEALED HANDGUN LICENSE HOLDER. (a) A state agency or a political subdivision of the state may not provide notice by a communication described by Section 30.06, Penal Code, or by any sign expressly referring to that law or to a concealed handgun license, that a *license holder carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03 or 46.035, Penal Code.*

SECTION 1. Same as House version.

SECTION 3. Same as House version except as follows:

Sec. 411.209. WRONGFUL EXCLUSION OF CONCEALED HANDGUN LICENSE HOLDER. (a) A state agency or a political subdivision of the state may not provide notice by a communication described by Section 30.06, Penal Code, or by any sign expressly referring to that law or to a concealed handgun license, that a *person who is serving in this state as a judge or justice of a federal court, as an active judicial officer, as defined by Section 411.201, or as the holder of a statewide office, as defined by Section 1.005, Election Code, a member of the house of representatives or the senate, a member of the United States Congress, the state prosecuting attorney or an assistant state prosecuting attorney, an assistant attorney general, United States attorney, assistant United States attorney, special assistant United States attorney, district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney licensed to carry a handgun under the authority of this subchapter, or any other license holder is, while carrying a handgun under the authority of this subchapter,*

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(b) - (c)

(d) A citizen of this state or a person licensed to carry a concealed handgun under this subchapter may file a complaint with the attorney general that a state agency or political subdivision is in violation of Subsection (a). A complaint filed under this subsection must include evidence of the violation.

(e)

(f) Before a suit may be brought against a state agency or a political subdivision of the state for a violation of Subsection (a), the attorney general must investigate the complaint to determine whether legal action is warranted. If legal action is warranted, the attorney general must give the chief administrative officer of the agency or political subdivision charged with the violation a written notice that:

(1) describes the violation and specific location of the sign found to be in violation;

(2) states the amount of the proposed penalty for the violation; and

(3) gives the agency or political subdivision 15 days from receipt of the notice to remove the sign and cure the violation to avoid the penalty, unless the agency or political subdivision

prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless the license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03 or 46.035, Penal Code, as appropriate.

(b) - (c) Same as House version.

(d) A person licensed to carry a concealed handgun under this subchapter, **regardless of whether the person is specifically described by Subsection (a)**, or any citizen of this state may file a complaint with the attorney general that a state agency or political subdivision is in violation of Subsection (a) **or (i)**. A complaint filed under this subsection must include evidence of the violation.

(e) Same as House version.

(f) Before a suit may be brought against a state agency or a political subdivision of the state for a violation of Subsection (a) **or (i)**, the attorney general must investigate the complaint to determine whether legal action is warranted. If legal action is warranted, the attorney general must give the chief administrative officer of the agency or political subdivision charged with the violation a written notice that:

(1) describes the violation and specific location of the sign found to be in violation;

(2) states the amount of the proposed penalty for the violation; and

(3) gives the agency or political subdivision 15 days from receipt of the notice to remove the sign and cure the violation to avoid the penalty, unless the agency or political subdivision

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was found liable by a court for previously violating Subsection (a).

(g) - (h)

No equivalent provision.

SENATE VERSION (IE)

CONFERENCE

was found liable by a court for previously violating Subsection (a) *or (i)*.

(g) - (h) Same as House version.

(i) A state agency or a political subdivision of the state may not provide notice by a communication described by Section 30.06, Penal Code, or by any sign expressly referring to that law or to a concealed handgun license, that a person who is serving in this state as a judge or justice of a federal court, as an active judicial officer, as defined by Section 411.201, or as the holder of a statewide office, as defined by Section 1.005, Election Code, a member of the house of representatives or the senate, a member of the United States Congress, the state prosecuting attorney or an assistant state prosecuting attorney, an assistant attorney general, United States attorney, assistant United States attorney, special assistant United States attorney, district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney licensed to carry a handgun under the authority of this subchapter is, while carrying a handgun under the authority of this subchapter, prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless the license holders are prohibited from carrying a handgun on the premises or other place by Section 46.035, Penal Code.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

SECTION 2. Section 46.035(c), Penal Code, is amended to

SECTION 2. Same as House version.

SECTION 4. Same as House version except as follows:

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read as follows:

(c) A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed, in the room or rooms where a [at any] meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by that chapter.

No equivalent provision.

SECTION __. Subsection (h-1), Section 46.035, Penal Code, as added by Chapters 1214 (H.B. 1889) and 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, is reenacted and amended to read as follows:

(h-1) It is a defense to prosecution under Subsections (b) and (c) that the actor, at the time of the commission of the offense, 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) ~~(2)~~ a bailiff designated by the active judicial officer and engaged in escorting the officer; or
- (4) the holder of a statewide office, as defined by Section 1.005, Elections Code, a member of the house of representatives or the senate, the state prosecuting attorney, an assistant state prosecuting attorney, an assistant attorney

(c) A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed, in the room or rooms where a [at any] meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by that chapter. ***The defense to prosecution provided by Subsection (h-1) applies to the prosecution of an offense under this subsection.***

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

SECTION 5. (a) Section 46.035(h-1), Penal Code, as added by Chapter 1214 (H.B. 1889), 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) and (c) that the actor, at the time of the commission of the offense, was:

- (1) an active judicial officer, as defined by Section 411.201, Government Code; [or]
- (2) a bailiff designated by the active judicial officer and engaged in escorting the officer;
- (3) a judge or justice of a federal court; or
- (4) the holder of a statewide office, as defined by Section 1.005, Election Code, a member of the house of representatives or the senate, ***a member of the United States Congress,*** the state prosecuting attorney, an assistant state

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general, or a United States attorney, assistant United States attorney, special assistant United States attorney, [(3)—a] district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney. [FA1(4)]
(Reenacts and amends Subsection (h-1), Section 46.035, Penal Code, as added by Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007)

prosecuting attorney, an assistant attorney general, or a United States attorney, assistant United States attorney, special assistant United States attorney, district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney.
(b) Repeals Section 46.035(h-1), Penal Code, as added by Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007.

No equivalent provision.

SECTION __. Subsection (a), Section 46.15, 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 weapon in this state if the officer is:
 - (A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

SECTION 6. 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 weapon in this state if the officer is:
 - (A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

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- (B) authorized to carry a weapon under Section 76.0051, Government Code;
- (4) a judge or justice of a federal court or an active judicial officer as defined by Section 411.201, Government Code, who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;
- (5) an honorably retired peace officer or federal criminal investigator who holds a certificate of proficiency issued under Section 1701.357, Occupations Code, and is carrying a photo identification that:
 - (A) verifies that the officer honorably retired after not less than 15 years of service as a commissioned officer; and
 - (B) is issued by a state or local law enforcement agency;
- (6) the holder of a statewide office, as defined by Section 1.005, Elections Code, a member of the house of representatives or the senate, the state prosecuting attorney, or United States attorney, or a district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;
- (7) an assistant state prosecuting attorney, assistant attorney general, assistant United States attorney, special assistant United States attorney, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;
- (8) a bailiff designated by an active judicial officer as defined by Section 411.201, Government Code, who is:
 - (A) licensed to carry a concealed handgun under Chapter 411, Government Code; and
 - (B) engaged in escorting the judicial officer; or

- (B) authorized to carry a weapon under Section 76.0051, Government Code;
- (4) a judge or justice of a federal court or an active judicial officer as defined by Section 411.201, Government Code, who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;
- (5) an honorably retired peace officer or federal criminal investigator who holds a certificate of proficiency issued under Section 1701.357, Occupations Code, and is carrying a photo identification that:
 - (A) verifies that the officer honorably retired after not less than 15 years of service as a commissioned officer; and
 - (B) is issued by a state or local law enforcement agency;
- (6) the holder of a statewide office, as defined by Section 1.005, Election Code, a member of the house of representatives or the senate, **a member of the United States Congress**, the state prosecuting attorney, a United States attorney, or a district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;
- (7) an assistant state prosecuting attorney, assistant attorney general, assistant United States attorney, special assistant United States attorney, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;
- (8) a bailiff designated by an active judicial officer as defined by Section 411.201, Government Code, who is:
 - (A) licensed to carry a concealed handgun under Chapter 411, Government Code; and
 - (B) engaged in escorting the judicial officer; or

House Bill 508
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(9) a juvenile probation officer who is authorized to carry a firearm under Section 142.006, Human Resources Code. [FA1(4)]

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

SECTION 3. The change in law made by this Act in amending Section 46.035(c), Penal Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. (a) The change in law made by this Act in amending Subsections (c) *and (h-1)*, Section 46.035, *and Subsection (a), Section 46.15*, Penal Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date. [FA1(1)-(2)]

SECTION 7. Substantially the same as Senate version.

(b) The change in law made by this Act to Subdivision (1), Subsection (a), Section 411.201, Government Code, applies only to an application to obtain or renew a license to carry a concealed handgun submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose. [FA1(3)]

SECTION 4. This Act takes effect September 1, 2013.

SECTION 4. Same as House version.

SECTION 8. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 25, 2013

TO: Honorable David Dewhurst, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB508 by Guillen (Relating to the authority of certain governmental officials to carry certain weapons on certain premises, and to certain offenses relating to carrying concealed handguns on property owned or leased by a governmental entity; providing a civil penalty.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would prevent a state agency or political subdivision from communicating to a concealed handgun license holder carrying a handgun, including certain government employees, that he or she is prohibited from carrying a handgun on the premises if such conduct is not prohibited by Section 46.03 or 46.035, Penal Code.

The bill would also provide for civil penalties of \$1,000 to \$1,500 for a first offense and \$10,000 to \$10,500 for subsequent violations. Each day of a continuing violation would be a separate violation.

The bill would require the attorney general to investigate a complaint if the individual so requests and presents evidence that his or her right to carry a concealed handgun was violated under this section. The attorney general or appropriate county or district attorney would be permitted to sue the responsible state agency or subdivision. After recovering reasonable expenses incurred by the attorney general, any civil penalty collected under this section would be deposited to the credit of the compensation to victims of crime fund.

The bill would include certain officeholders in the concealed handgun license procedures available to judges. According to the Office of Court Administration, none of these provisions are expected to have a significant fiscal impact on the State.

The Office of the Attorney General (OAG) reported that the bill would have a slight positive fiscal impact on the victims of crime fund; however, OAG does not anticipate that this revenue would be significant.

OAG reported that any legal work or costs associated with the bill would be absorbed with existing resources.

Local Government Impact

A local government would be accountable for the civil penalties established by the bill; however, these costs would depend on the number of cases, if any, and would only apply in the event of noncompliance.

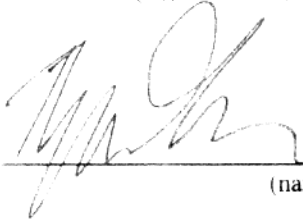
Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 407 Commission on Law Enforcement Officer Standards and Education

LBB Staff: UP, KKR, ESi

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 508 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.



(name)

5.24.13

(date)