

BILL ANALYSIS

H.B. 2146
By: Kacal
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that, due to the sometimes dangerous nature of their jobs, state law permits certain public officials to establish the requisite proficiency in the use of a handgun for a handgun license by obtaining from an approved instructor a sworn statement indicating the person demonstrated such proficiency. It has been further noted that state law also exempts these officials from certain Penal Code offenses, thereby allowing them to carry a firearm in certain places where carrying a firearm is generally prohibited, such as on the premises of a government court or offices used by the court. H.B. 2146 seeks to extend those rights and protections to municipal attorneys and assistant municipal attorneys, as applicable.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2146 amends the Government Code to authorize a person serving in Texas as a municipal attorney or assistant municipal attorney to establish handgun proficiency for the purposes of a handgun license by obtaining from an approved handgun proficiency instructor a sworn statement that indicates that the person, during the 12-month period preceding the date of the person's application for the license, demonstrated to the instructor proficiency in the use of handguns.

H.B. 2146 amends the Penal Code to exempt an assistant municipal attorney who is licensed to carry a handgun from the application of the offense of unlawful carrying of a weapon and the offense of possessing or going with a prohibited weapon in a place where weapons are prohibited.

H.B. 2146 repeals Section 46.035(h-1), Penal Code, as added by Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007.

EFFECTIVE DATE

September 1, 2019.