

BILL ANALYSIS

Senate Research Center
83R5176 ADM-F

S.B. 231
By: Carona
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 82nd Legislature, First Called Session, 2011, enacted H.B. 79, which was an omnibus bill reorganizing numerous areas of Texas' statutes relating to judges. The bill created a new chapter of the Government Code, Chapter 54A (Associate Judges), which established uniform rules for the appointment of and powers given to criminal, civil, and statutory probate associate judges. Under Chapter 54A, associate judges are appointed by county judges with authority from their respective county commissioners court, rather than elected like the majority of judges in the state. However, the bill did not provide Chapter 54A associate judges with the legal ability to carry a firearm in certain locations, which was provided to the majority of judges in Texas.

The Penal Code makes it a criminal offense to carry a handgun in plain view, or to carry a firearm or certain other weapons in areas such as a school, polling place, or court of law. However, the majority of Texas judges who hold a concealed handgun license have generally been excepted from this offense. Chapter 54A associate judges were not provided this exception.

S.B. 231 amends Section 411.201 of the Government Code to provide that a Chapter 54A associate judge who holds a concealed handgun license may carry an approved weapon in the same manner and locations as other judges in the state.

As proposed, S.B. 231 amends current law relating to the applicability of certain concealed handgun laws to certain associate judges.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.201(a)(1), Government Code, to redefine "active judicial officer" to include a person appointed and serving as an associate judge under Chapter 201 (Associate Judge), Family Code, or Chapter 54A (Associate Judges).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2013.