

## **BILL ANALYSIS**

Senate Research Center

H.B. 2110  
By: Berman (Eltife)  
Criminal Justice  
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Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

The Penal Code currently contains a "nonapplicability" section, the effect of which allows certain persons, including judges and peace officers, to carry a concealed handgun into prohibited places. H.B. 2110 amends the Penal Code to add district attorneys, criminal district attorneys, and county attorneys to the nonapplicability section, as long as they have a concealed carry license. H.B. 2110 also authorizes designated non-commissioned bailiffs to carry concealed handguns in court settings if properly licensed when acting as a judicial officer security escort.

### **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 46.01, Penal Code, by adding Subdivision (17), to define "active judicial officer."

SECTION 2. Amends Section 46.15, Penal Code, by amending Subsection (a) and adding Subsection (i), as follows:

(a) Provides that Sections 46.02 (Unlawful Carrying Weapons) and 46.03 (Place Weapons Prohibited) do not apply to certain officers, including certain district attorneys, criminal district attorneys, or county attorneys and certain bailiffs.

(i) Authorizes an active judicial officer who presides in a court in which a bailiff who is not licensed as a peace officer by the Texas Commission on Law Enforcement Officer Standards and Education serves to designate the bailiff as a judicial officer security escort in a writing delivered to the county sheriff. Requires the county sheriff to keep a copy of the writing in the sheriff's files.

SECTION 3. Amends Section 46.035, Penal Code, to provide that it is a defense to prosecution under Subsection (b) that an actor, at the time of the commission of the offense, was a bailiff designated as a judicial officer security escort and engaged in escorting an active judicial officer.

SECTION 4. Makes application of this Act prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 5. Effective date: upon passage or September 1, 2005.