

## BILL ANALYSIS

C.S.H.B. 3747  
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Committee Report (Substituted)

### BACKGROUND AND PURPOSE

Interested parties contend that retired federal judges should be able to apply for a concealed handgun license under the same conditions as other retired judicial officers. C.S.H.B. 3747 seeks to address this issue.

### 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

C.S.H.B. 3747 amends the Government Code to include a retired federal judge who is a Texas resident among the persons who are considered to be retired judicial officers for purposes of statutory provisions relating to the eligibility of a retired judicial officer for a concealed handgun license. The bill defines "federal judge" as a judge of a United States court of appeals, a judge of a United States district court, a judge of a United States bankruptcy court, or a magistrate judge of a United States district court. The bill clarifies that the special appointed judges considered to be retired judicial officers for purposes of those provisions are visiting judges.

### EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

### COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3747 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

##### SECTION 1.

Sec. 411.201, Government Code, is amended as follows:

Sec. 411.201. ACTIVE AND RETIRED JUDICIAL OFFICERS. (a) In this section:  
(1) "Active judicial officer" means:

#### HOUSE COMMITTEE SUBSTITUTE

##### SECTION 1.

Section 411.201(a), Government Code, is amended by amending Subdivision (2) and adding Subdivision (3) to read as follows:

(A) a person serving as a judge or justice of the supreme court, the court of criminal appeals, a court of appeals, a 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 an associate judge under Chapter 201, Family Code.

(2) "Retired judicial officer" means:

(A) a ~~special~~ judge appointed under Section 26.023 or 26.024; ~~or~~

(B) a senior judge designated under Section 75.001 or a judicial officer as designated or defined by Section 75.001, 831.001, or 836.001; or

(C) a retired federal judge, who is a resident of this state.

(C-1) "Federal judge" means:

(1) a judge of a United States court of appeals;

(2) a judge of a United States district court;

(3) a judge of a United States bankruptcy court; or

(4) a magistrate judge of a United States district court.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

(3) "Retired judicial officer" means:

(A) a visiting ~~[special]~~ judge appointed under Section 26.023 or 26.024; ~~[or]~~

(B) a senior judge designated under Section 75.001 or a judicial officer as designated or defined by Section 75.001, 831.001, or 836.001; or

(C) a retired federal judge who is a resident of this state.

(2) "Federal judge" means:

(A) a judge of a United States court of appeals;

(B) a judge of a United States district court;

(C) a judge of a United States bankruptcy court; or

(D) a magistrate judge of a United States district court.

SECTION 2. Same as introduced version.