

**SUBJECT:** Permitting assistant prosecuting attorneys to carry weapons

**COMMITTEE:** Law Enforcement — committee substitute recommended

**VOTE:** 6 ayes — Driver, Latham, Allen, Frost, Ortiz, Vo  
0 nays  
1 absent — West

**WITNESSES:** For — Armando R. Villalobos  
Against — None

**BACKGROUND:** Penal Code, sec. 46.02 forbids the unlawful carrying of weapons, including handguns. Sec. 46.03 lists places where weapons are prohibited, including courthouses, schools, polling places, airports, and other locations.

Penal Code, sec. 46.15(a) exempts peace officers, parole officers, corrections officers, judges, honorably retired peace officers or federal criminal investigators, and district and county attorneys from the gun carrying restrictions of secs. 46.02 and 46.03.

Under Government Code, 411.201, active or retired judicial officers — including judges or justices of the supreme court, court of criminal appeals, court of appeals, district court, criminal district court, constitutional district court, statutory county court, justice court, or municipal court — are eligible to carry concealed handguns, as long as they meet other requirements of Government Code, 411, subch. H. The Department of Public Safety (DPS) administers the issuance of concealed handgun licenses.

**DIGEST:** CSHB 1503 would amend Penal Code, sec. 46.15 (a) to exempt assistant district attorneys, assistant criminal district attorneys, or assistant county attorneys from the gun carrying restrictions of secs. 46.02 and 46.03, if those assistant prosecutors:

- held a concealed handgun permit issued under Government Code, 411, subch. H; and
- were either felony prosecutors or had at least two years experience as a prosecutor.

The bill takes effect on September 1, 2007.

**SUPPORTERS  
SAY:**

CSHB 1503 would give assistant prosecuting attorneys the opportunity to carry concealed weapons for their personal safety. Unfortunately, even assistant prosecuting attorneys face increasing threats and dangers, and they need the protection afforded by this bill. Most courthouses have expanded security programs, but courthouse security personnel leave at 5 p.m. in some counties. Assistant prosecuting attorneys often work late and need protection when they leave the courthouse and when they return to their homes and neighborhoods.

**OPPONENTS  
SAY:**

While assistant prosecuting attorneys may have legitimate concerns about their well being, it is uncertain that lengthening the list of those eligible to carry weapons actually would improve public safety.

**NOTES:**

A similar bill, HB 2300 by Paxton et. al., was set on the House General State Calendar on May 2.