

1-1 By: Craddick, Torres (Senate Sponsor - Hegar) H.B. No. 242
1-2 (In the Senate - Received from the House May 13, 2011;
1-3 May 13, 2011, read first time and referred to Committee on Criminal
1-4 Justice; May 21, 2011, reported favorably by the following vote:
1-5 Yeas 6, Nays 0; May 21, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the authority of certain retired peace officers to
1-9 carry certain firearms.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 1701.357(b), Occupations Code, is
1-12 amended to read as follows:

1-13 (b) The head of a state or local law enforcement agency may
1-14 allow an honorably retired peace officer an opportunity to
1-15 demonstrate weapons proficiency if the retired officer provides to
1-16 the agency a sworn affidavit stating that:

1-17 (1) the officer:

1-18 (A) honorably retired after not less than a total
1-19 of 15 years of service as a commissioned officer with one or more
1-20 state or local law enforcement agencies; or

1-21 (B) before completing 15 years of service as a
1-22 commissioned officer with one or more state or local law
1-23 enforcement agencies, separated from employment with the agency or
1-24 agencies and is a qualified retired law enforcement officer, as
1-25 defined by 18 U.S.C. Section 926C;

1-26 (2) the officer's license as a commissioned officer
1-27 was not revoked or suspended for any period during the officer's
1-28 term of service as a commissioned officer; and

1-29 (3) the officer has no psychological or physical
1-30 disability that would interfere with the officer's proper handling
1-31 of a handgun.

1-32 SECTION 2. Section 46.15(a), Penal Code, is amended to read
1-33 as follows:

1-34 (a) Sections 46.02 and 46.03 do not apply to:

1-35 (1) peace officers or special investigators under
1-36 Article 2.122, Code of Criminal Procedure, and neither section
1-37 prohibits a peace officer or special investigator from carrying a
1-38 weapon in this state, including in an establishment in this state
1-39 serving the public, regardless of whether the peace officer or
1-40 special investigator is engaged in the actual discharge of the
1-41 officer's or investigator's duties while carrying the weapon;

1-42 (2) parole officers and neither section prohibits an
1-43 officer from carrying a weapon in this state if the officer is:

1-44 (A) engaged in the actual discharge of the
1-45 officer's duties while carrying the weapon; and

1-46 (B) in compliance with policies and procedures
1-47 adopted by the Texas Department of Criminal Justice regarding the
1-48 possession of a weapon by an officer while on duty;

1-49 (3) community supervision and corrections department
1-50 officers appointed or employed under Section 76.004, Government
1-51 Code, and neither section prohibits an officer from carrying a
1-52 weapon in this state if the officer is:

1-53 (A) engaged in the actual discharge of the
1-54 officer's duties while carrying the weapon; and

1-55 (B) authorized to carry a weapon under Section
1-56 76.0051, Government Code;

1-57 (4) a judge or justice of a federal court, the supreme
1-58 court, the court of criminal appeals, a court of appeals, a district
1-59 court, a criminal district court, a constitutional county court, a
1-60 statutory county court, a justice court, or a municipal court who is
1-61 licensed to carry a concealed handgun under Subchapter H, Chapter
1-62 411, Government Code;

1-63 (5) an honorably retired peace officer, a qualified
1-64 retired law enforcement officer, or a federal criminal investigator

who holds a certificate of proficiency issued under Section 1701.357, Occupations Code, and is carrying a photo identification that is issued by a federal, state, or local law enforcement agency, as applicable, and that[+]

[~~(A)~~] verifies that the officer is:

(A) an honorably retired peace officer;

(B) a qualified retired law enforcement officer;

or

(C) a federal criminal investigator [~~after not less than 15 years of service as a commissioned officer, and~~

~~[(B) is issued by a state or local law enforcement agency];~~

(6) a district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;

(7) an assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;

(8) a bailiff designated by an active judicial officer as defined by Section 411.201, Government Code, who is:

(A) licensed to carry a concealed handgun under Chapter 411, Government Code; and

(B) engaged in escorting the judicial officer; or

(9) a juvenile probation officer who is authorized to carry a firearm under Section 142.006, Human Resources Code.

SECTION 3. The change in law made by this Act to Section 46.15, Penal Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2011.

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