

Amend HB 498 as follows:

(1) Strike SECTION 2 of the bill.

(2) Add the following appropriately numbered SECTIONS to the bill and renumber the other SECTIONS of the bill appropriately:

SECTION _____. Subchapter H, Chapter 1701, Occupations Code, is amended by adding Section 1701.358 to read as follows:

Sec. 1701.358. WEAPONS PROFICIENCY FOR CERTAIN RETIRED SPECIAL INVESTIGATORS. (a) This section applies only to a criminal investigator of the United States designated as a special investigator under Article 2.122(1) or (5), Code of Criminal Procedure.

(b) The head of a state or local law enforcement agency may allow an honorably retired special investigator to whom this section applies an opportunity to demonstrate biennially weapons proficiency if the retired investigator provides to the agency a sworn affidavit stating that:

(1) the investigator honorably retired after not less than 20 years of service as a commissioned special investigator;

(2) the investigator's license as a commissioned special investigator was not revoked or suspended for any period during the investigator's term of service as a commissioned special investigator; and

(3) the investigator has no psychological or physical disability that would interfere with the investigator's proper handling of a handgun.

(c) The agency shall issue a certificate of proficiency to a retired investigator who satisfactorily demonstrates weapons proficiency under Subsection (b). The agency shall maintain records of any retired investigator who holds a certificate issued under this section.

(d) A certificate issued under this section expires on the second anniversary of the date the certificate was issued.

(e) The head of a state or local law enforcement agency may set and collect fees to recover the expenses the agency incurs in performing duties under this section.

(f) A certificate issued under this section may be used to satisfy the requirements of Section 411.188, Government Code.

SECTION _____. Section 46.15(a), Penal Code, is amended to read as follows:

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

(1) peace officers and neither section prohibits a peace officer from carrying a weapon in this state, regardless of whether the officer is engaged in the actual discharge of the officer's duties while carrying the weapon;

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

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

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

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

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

(B) authorized to carry a weapon under Section 76.0051, Government Code; ~~or~~

(4) 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 who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code; or

(5) an honorably retired special investigator who holds a certificate of proficiency issued under Section 1701.358, Occupations Code, and a license to carry a concealed handgun issued under Section 411.199, Government Code.

SECTION _____. The change in law made by this Act to Section 411.195, Government Code, applies only to a renewal that occurs on or after the effective date of this Act. A renewal that occurs before the effective date of this Act is covered by the law in effect on the date of the renewal, and the former law is continued

in effect for that purpose.

SECTION __. This Act takes effect September 1, 2003.