

## **BILL ANALYSIS**

S.B. 103  
By: Van de Putte  
Law Enforcement  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, the Texas Penal Code contains separate sets of laws, one for peace officers and another for concealed handgun permit holders, regarding where a person shall not carry a concealed weapon. This distinction is sometimes unclear to employees of establishments that serve the public, which can result in misunderstandings between employees and peace officers and a misapplication of the law. Senate Bill 103 addresses this issue by adding language to the Penal Code specifying that a peace officer is authorized to carry weapons anywhere in the state, including a public place. Senate Bill 103 also extends this ability to special investigators and peace officers from other states if that state allows Texas peace officers to carry in that state.

### **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**

Senate Bill 103 amends Section 46.15(a), Penal Code, to provide that Section 46.02 (Unlawful Carrying Weapons) and Section 46.03 (Places Weapons Prohibited) do not apply to commissioned peace officers of another state that allows peace officers commissioned in Texas to carry weapons in the other state or to special investigators described by Article 2.122 of the Code of Criminal Procedure. The bill further amends Section 46.15(a) to provide that the exemption from the prohibition against carrying weapons, which applies anywhere in this state, includes an establishment in this state serving the public, regardless of whether the peace officer or special investigator is engaged in the actual discharge of duties.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.