

## **BILL ANALYSIS**

Senate Research Center

S.B. 117  
By: Staples  
Criminal Justice  
8/15/2003  
Enrolled

### **DIGEST AND PURPOSE**

Currently, Texas law prohibits a retired peace officer from carrying a weapon without a concealed handgun license. S.B. 117 permits an honorably retired peace officer or federal criminal investigator to continue carrying a weapon after retirement if certain criteria and annual weapons proficiency requirements are met.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter H, Chapter 1701, Occupations Code, by adding Section 1701.357, as follows:

Sec. 1701.357. WEAPONS PROFICIENCY FOR CERTAIN RETIRED PEACE OFFICERS AND FEDERAL CRIMINAL INVESTIGATORS. (a) Specifies that this section applies to peace officers defined in Article 2.12(1), (2), (3), or (10) (pertaining to various types of peace officers), Code of Criminal Procedure, and a federal criminal investigator designated as a special investigator under Article 2.122(a)(1) or (5) (pertaining to agents of the Federal Bureau of Investigations and agents of the Federal Drug Enforcement Agency).

(b) Authorizes the head of a state and local law enforcement agency to allow an honorably retired peace officer of the agency to whom this section applies an opportunity to demonstrate weapons proficiency if the officer provides a sworn affidavit saying that: the officer served at least 20 years before honorable retirement, that the officer's license as a commissioned officer was not revoked or suspended during their tenure, and that the officer has no psychological or physical disability that would prevent them from properly handling a handgun.

(c) Requires the agency to establish written procedures for the issuance or denial of a certificate of proficiency under this section. Requires the agency to issue the certificate to a retired officer who satisfactorily demonstrates weapons proficiency under Subsection (b) and satisfies the written procedures established by the agency. Requires the agency to maintain records of any officer who holds a certificate issued under this section.

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

(e) Authorizes the head of a state or local law enforcement agencies carrying out the testing and certification process to set and collect fees to offset the expenses incurred from performing those duties.

(f) Provides that the amount of a fee set by a county law enforcement agency under Subsection (e) is subject to the approval of the commissioners court of the county. Requires a county law enforcement agency that collects a fee under

Subsection (e) to deposit the amounts collected to the credit of the general fund of the county.

(g) Requires a county law enforcement agency to obtain approval of the program authorized by this section from the commissioners court of the county before issuing a certificate of proficiency under this section.

(h) Authorizes the head of a state law enforcement agency to allow an honorably retired federal criminal investigator to whom this section applies an opportunity to demonstrate weapons proficiency in the same manner as, and subject to the same requirements applicable to, an honorably retired peace officer as described by this section. Requires the agency to issue a certificate of proficiency to an honorably retired federal criminal investigator who otherwise meets the requirements of this section and to maintain records regarding the issuance of that certificate.

SECTION 2. Amends Section 46.15(a), Penal Code, to exempt from Sections 46.02 and 46.03, Penal Code, those honorably retired peace officers or federal criminal investigators who hold proficiency certificates issued under Section 1701.357, Occupations Code, and who are carrying photo identification issued by the agency from which the officer retired or, for a federal criminal investigator, by a state law enforcement agency, stating that the officer retired honorably after at least 20 years of service.

SECTION 3. Effective date: September 1, 2003.