

## **BILL ANALYSIS**

C.S.S.B. 117  
By: Staples  
Law Enforcement  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, an honorably retired peace officer who has served for over 20 years is unable to take a weapons proficiency test to allow him or her to carry a firearm. C.S.S.B. 117 authorizes state or local law enforcement agencies to allow honorably retired peace officers, if they meet certain criteria, to obtain a certificate to carry a firearm.

### **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**

SECTION 1. C.S.S.B. 117 amends Chapter 1701 of the Occupations Code by adding Section 1701.357, which authorizes the head of a state or local law enforcement agency to allow an honorably retired peace officer, designated under Article 2.12(1), (2), (3), or (10) of the Code of Criminal Procedure, to demonstrate weapons proficiency if the retired officer provides a sworn affidavit to the agency. The sworn affidavit must state that the officer honorably retired after not less than 20 years of service as a commissioned officer, that the officer's license as a commissioned officer was not revoked or suspended for any period during the officer's term of service, and that the officer has no psychological or physical disability that would interfere with the officer's proper handling of a handgun. The agency is required to issue a certificate of proficiency to a retired officer who submits this affidavit and satisfactorily demonstrates weapons proficiency. The bill requires the agency to maintain records of any retired officer who holds a certificate under this section. A certificate issued under this section expires on the second anniversary of the date the certificate was issued. The bill authorizes the head of a state or local agency to set and collect fees to recover the expenses the agency incurs while performing duties under this section.

SECTION 2. C.S.S.B. 117 amends Section 46.15(a) of the Penal Code by adding certain retired peace officers to the list of persons exempt from Sections 46.02 (Unlawful Carrying Weapons) and 46.03 (Places Weapons Prohibited). It provides that an honorably retired peace officer holding a certificate of proficiency, and carrying photo identification issued by the agency where the officer retired that verifies that the officer honorably retired after not less than 20 years of service, will be exempt.

### **EFFECTIVE DATE**

This Act takes effect September 1, 2003.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.S.B. 117 modifies the engrossed version by providing that a certificate of proficiency is valid for two years instead of one. The substitute also provides that the head of a state or local law enforcement agency is authorized to allow officers to demonstrate weapons proficiency and to set and collect fees for administration. The engrossed version simply authorizes state or local law enforcement agencies to perform

these functions, rather than the heads of these organizations.