

BILL ANALYSIS

Senate Research Center
78R750 KEL-D

S.B. 117
By: Staples
Criminal Justice
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As Filed

DIGEST AND PURPOSE

Currently, Texas law prohibits a retired peace officer from carrying a weapon without a concealed handgun license. As proposed, S.B. 117 permits an honorably retired peace officer 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 Chapter 1701H, Occupations Code, by adding Section 1701.357, as follows:

Sec. 1701.357. WEAPONS PROFICIENCY FOR CERTAIN RETIRED PEACE OFFICERS. (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.

(b) Authorizes state and local law enforcement agencies to allow honorably retired peace officers to demonstrate weapons proficiency on a year-to-year basis so long as the officer provides a sworn affidavit saying that: the officer served at least 20 years before honorable retirement, that the officer's license was not revoked or suspended during their tenure, and that the officer has no psychological or physical conditions that would prevent them from properly handling a handgun.

(c) Requires that the testing agency issue a certificate of proficiency to a retired officer who demonstrates weapons proficiency under Subsection (b), and requires the agency to maintain records of any officer to whom it issues a certificate.

(d) Establishes that the certificates will be valid for one year from the date they are issued.

(e) Authorizes the agencies carrying out the testing and certification process to set and collect fees to offset the expenses incurred from performing those duties.

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 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 stating that they retired honorably after at least 20 years of service.

SECTION 3. Effective date: September 1, 2003.