

By: Haggerty

H.B. No. 1661

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the carrying of certain weapons by a person who holds a  
3 security officer commission issued by the Texas Commission on  
4 Private Security.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 46.05, Penal Code, is amended by adding  
7 Subsection (f) to read as follows:

8 (f) It is a defense to prosecution under this section for  
9 the possession of a chemical dispensing device that the actor holds  
10 a security officer commission issued by the Texas Commission on  
11 Private Security and has received training on the use of the  
12 chemical dispensing device by a training program that is:

13 (1) provided by the Commission on Law Enforcement  
14 Officer Standards and Education; or

15 (2) approved for the purposes described by this  
16 subsection by the Texas Commission on Private Security.

17 SECTION 2. Section 46.15(b), Penal Code, as amended by  
18 Chapters 1221 and 1261, Acts of the 75th Legislature, Regular  
19 Session, 1997, is reenacted and amended to read as follows:

20 (b) Section 46.02 does not apply to a person who:

21 (1) is in the actual discharge of official duties as a  
22 member of the armed forces or state military forces as defined by  
23 Section 431.001, Government Code, or as a guard employed by a penal  
24 institution;

1           (2) is on the person's own premises or premises under  
2 the person's control unless the person is an employee or agent of  
3 the owner of the premises and the person's primary responsibility  
4 is to act in the capacity of a security guard to protect persons or  
5 property, in which event the person must comply with Subdivision  
6 (5);

7           (3) is traveling;

8           (4) is engaging in lawful hunting, fishing, or other  
9 sporting activity on the immediate premises where the activity is  
10 conducted, or is en route between the premises and the actor's  
11 residence, if the weapon is a type commonly used in the activity;

12           (5) holds a security officer commission issued by the  
13 Texas Commission on [~~Board of Private Investigators and~~] Private  
14 Security [~~Agencies~~], if:

15                   (A) [~~the person is engaged in the performance of~~  
16 ~~the person's duties as a security officer or traveling to and from~~  
17 ~~the person's place of assignment,~~

18                   [~~(B)~~] the person is wearing a distinctive  
19 uniform; and

20                   (B) [~~(C)~~] the weapon is in plain view;

21           (6) is carrying a concealed handgun and a valid  
22 license issued under Subchapter H, Chapter 411, Government Code  
23 [~~Article 4413(29cc), Revised Statutes~~], to carry a concealed  
24 handgun of the same category as the handgun the person is carrying;

25           (7) holds a security officer commission and a personal  
26 protection officer authorization issued by the Texas Commission on  
27 [~~Board of Private Investigators and~~] Private Security [~~Agencies~~]

1 and who is providing personal protection under Chapter 1702,  
2 Occupations Code [~~the Private Investigators and Private Security~~  
3 ~~Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes)];~~

4 or

5 (8) holds an alcoholic beverage permit or license or  
6 is an employee of a holder of an alcoholic beverage permit or  
7 license if the person is supervising the operation of the permitted  
8 or licensed premises.

9 SECTION 3. (a) This Act takes effect September 1, 2003.

10 (b) The change in law made by this Act applies only to an  
11 offense committed on or after September 1, 2003. An offense  
12 committed before September 1, 2003, is covered by the law in effect  
13 when the offense was committed, and the former law is continued in  
14 effect for that purpose. For purposes of this subsection, an  
15 offense was committed before September 1, 2003, if any element of  
16 the offense was committed before that date.