

1-1 By: Haggerty (Senate Sponsor - Jackson) H.B. No. 1661
1-2 (In the Senate - Received from the House May 12, 2003;
1-3 May 13, 2003, read first time and referred to Committee on Criminal
1-4 Justice; May 24, 2003, reported favorably, as amended, by the
1-5 following vote: Yeas 4, Nays 0; May 24, 2003, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Hinojosa, Jackson

1-7 Amend H.B. No. 1661 by striking SECTION 2 and renumbering the
1-8 subsequent sections accordingly.

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to the carrying of certain weapons by a person who holds a
1-12 security officer commission issued by the Texas Commission on
1-13 Private Security.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Section 46.05, Penal Code, is amended by adding
1-16 Subsection (f) to read as follows:

1-17 (f) It is a defense to prosecution under this section for
1-18 the possession of a chemical dispensing device that the actor holds
1-19 a security officer commission issued by the Texas Commission on
1-20 Private Security and has received training on the use of the
1-21 chemical dispensing device by a training program that is:

1-22 (1) provided by the Commission on Law Enforcement
1-23 Officer Standards and Education; or

1-24 (2) approved for the purposes described by this
1-25 subsection by the Texas Commission on Private Security.

1-26 SECTION 2. Section 46.15(b), Penal Code, as amended by
1-27 Chapters 1221 and 1261, Acts of the 75th Legislature, Regular
1-28 Session, 1997, is reenacted and amended to read as follows:

1-29 (b) Section 46.02 does not apply to a person who:

1-30 (1) is in the actual discharge of official duties as a
1-31 member of the armed forces or state military forces as defined by
1-32 Section 431.001, Government Code, or as a guard employed by a penal
1-33 institution;

1-34 (2) is on the person's own premises or premises under
1-35 the person's control unless the person is an employee or agent of
1-36 the owner of the premises and the person's primary responsibility
1-37 is to act in the capacity of a security guard to protect persons or
1-38 property, in which event the person must comply with Subdivision
1-39 (5);

1-40 (3) is traveling;

1-41 (4) is engaging in lawful hunting, fishing, or other
1-42 sporting activity on the immediate premises where the activity is
1-43 conducted, or is en route between the premises and the actor's
1-44 residence, if the weapon is a type commonly used in the activity;

1-45 (5) holds a security officer commission issued by the
1-46 Texas Commission on ~~Board of Private Investigators and~~ Private
1-47 Security ~~Agencies~~, if:

1-48 (A) ~~[the person is engaged in the performance of~~
1-49 ~~the person's duties as a security officer or traveling to and from~~
1-50 ~~the person's place of assignment,~~

1-51 ~~[(B)]~~ the person is wearing a distinctive
1-52 uniform; and

1-53 ~~(B) [(C)]~~ the weapon is in plain view;

1-54 (6) is carrying a concealed handgun and a valid
1-55 license issued under Subchapter H, Chapter 411, Government Code
1-56 [Article 4413(29cc), Revised Statutes], to carry a concealed
1-57 handgun of the same category as the handgun the person is carrying;

1-58 (7) holds a security officer commission and a personal
1-59 protection officer authorization issued by the Texas Commission on
1-60 ~~Board of Private Investigators and~~ Private Security ~~Agencies~~
1-61 and who is providing personal protection under Chapter 1702,
1-62 Occupations Code ~~[the Private Investigators and Private Security~~

2-1 ~~Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes)]~~;
2-2 or

2-3 (8) holds an alcoholic beverage permit or license or
2-4 is an employee of a holder of an alcoholic beverage permit or
2-5 license if the person is supervising the operation of the permitted
2-6 or licensed premises.

2-7 SECTION 3. (a) This Act takes effect September 1, 2003.

2-8 (b) The change in law made by this Act applies only to an
2-9 offense committed on or after September 1, 2003. An offense
2-10 committed before September 1, 2003, is covered by the law in effect
2-11 when the offense was committed, and the former law is continued in
2-12 effect for that purpose. For purposes of this subsection, an
2-13 offense was committed before September 1, 2003, if any element of
2-14 the offense was committed before that date.

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