

AN ACT

relating to the carrying of weapons by peace officers and by special investigators.

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

SECTION 1. Section 46.15, Penal Code, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

(a) Sections 46.02 and 46.03 do not apply to:

(1) peace officers, including commissioned peace officers of a recognized state, or special investigators under Article 2.122, Code of Criminal Procedure, and neither section prohibits a peace officer or special investigator from carrying a weapon in this state, including in an establishment in this state serving the public, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon;

(2) parole officers and neither section prohibits an officer from carrying a weapon in this state if the officer is:

(A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B) in compliance with policies and procedures adopted by the Texas Department of Criminal Justice regarding the possession of a weapon by an officer while on duty;

(3) community supervision and corrections department

1 officers appointed or employed under Section 76.004, Government
2 Code, and neither section prohibits an officer from carrying a
3 weapon in this state if the officer is:

4 (A) engaged in the actual discharge of the
5 officer's duties while carrying the weapon; and

6 (B) authorized to carry a weapon under Section
7 76.0051, Government Code; or

8 (4) a judge or justice of the supreme court, the court
9 of criminal appeals, a court of appeals, a district court, a
10 criminal district court, a constitutional county court, a statutory
11 county court, a justice court, or a municipal court who is licensed
12 to carry a concealed handgun under Subchapter H, Chapter 411,
13 Government Code.

14 (g) In this section, "recognized state" means another state
15 with which the attorney general of this state, with the approval of
16 the governor of this state, negotiated an agreement after
17 determining that the other state:

18 (1) has firearm proficiency requirements for peace
19 officers; and

20 (2) fully recognizes the right of peace officers
21 commissioned in this state to carry weapons in the other state.

22 SECTION 2. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 103 passed the Senate on April 3, 2003, by the following vote: Yeas 31, Nays 0; May 30, 2003, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 30, 2003, House granted request of the Senate; June 1, 2003, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 103 passed the House, with amendment, on May 28, 2003, by the following vote: Yeas 144, Nays 0, two present not voting; May 30, 2003, House granted request of the Senate for appointment of Conference Committee; June 1, 2003, House adopted Conference Committee Report by the following vote: Yeas 141, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor