

By: Van de Putte

S.B. No. 103

A BILL TO BE ENTITLED

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(a), Penal Code, is amended to read as follows:

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

(1) peace officers, including commissioned peace officers of another 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 officers appointed or employed under Section 76.004, Government

1 Code, and neither section prohibits an officer from carrying a
2 weapon in this state if the officer is:

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

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

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

13 SECTION 2. This Act takes effect immediately if it receives
14 a vote of at least two-thirds of all members elected to each house,
15 as provided by Article III, Section 39, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, then
17 this Act takes effect September 1, 2003.