

1-1 By: Van de Putte S.B. No. 103
1-2 (In the Senate - Filed November 12, 2002; January 29, 2003,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 13, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; March 13, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 103 By: Williams

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the carrying of weapons by peace officers and by special
1-11 investigators.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (a), Section 46.15, Penal Code, is
1-14 amended to read as follows:

1-15 (a) Sections 46.02 and 46.03 do not apply to:

1-16 (1) peace officers, including commissioned peace
1-17 officers of another state that allows peace officers commissioned
1-18 in Texas to carry weapons in the other state, or special
1-19 investigators under Article 2.122, Code of Criminal Procedure, and
1-20 neither section prohibits a peace officer or special investigator
1-21 from carrying a weapon in this state, including in an establishment
1-22 in this state serving the public, regardless of whether the peace
1-23 officer or special investigator is engaged in the actual discharge
1-24 of the officer's or investigator's duties while carrying the
1-25 weapon;

1-26 (2) parole officers and neither section prohibits an
1-27 officer from carrying a weapon in this state if the officer is:

1-28 (A) engaged in the actual discharge of the
1-29 officer's duties while carrying the weapon; and

1-30 (B) in compliance with policies and procedures
1-31 adopted by the Texas Department of Criminal Justice regarding the
1-32 possession of a weapon by an officer while on duty;

1-33 (3) community supervision and corrections department
1-34 officers appointed or employed under Section 76.004, Government
1-35 Code, and neither section prohibits an officer from carrying a
1-36 weapon in this state if the officer is:

1-37 (A) engaged in the actual discharge of the
1-38 officer's duties while carrying the weapon; and

1-39 (B) authorized to carry a weapon under Section
1-40 76.0051, Government Code; or

1-41 (4) a judge or justice of the supreme court, the court
1-42 of criminal appeals, a court of appeals, a district court, a
1-43 criminal district court, a constitutional county court, a statutory
1-44 county court, a justice court, or a municipal court who is licensed
1-45 to carry a concealed handgun under Subchapter H, Chapter 411,
1-46 Government Code.

1-47 SECTION 2. This Act takes effect immediately if it receives
1-48 a vote of two-thirds of all the members elected to each house, as
1-49 provided by Section 39, Article III, Texas Constitution. If this
1-50 Act does not receive the vote necessary for immediate effect, this
1-51 Act takes effect September 1, 2003.

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