

AN ACT

relating to the authority of certain retired peace officers and federal criminal investigators to carry certain weapons.

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

SECTION 1. Subchapter H, Chapter 1701, Occupations Code, is amended by adding Section 1701.357 to read as follows:

Sec. 1701.357. WEAPONS PROFICIENCY FOR CERTAIN RETIRED PEACE OFFICERS AND FEDERAL CRIMINAL INVESTIGATORS. (a) This section applies only to:

(1) a peace officer designated as a peace officer under Article 2.12(1), (2), (3), or (10), Code of Criminal Procedure; and

(2) a federal criminal investigator designated as a special investigator under Article 2.122(a)(1) or (5), Code of Criminal Procedure.

(b) The head of a state or local law enforcement agency may allow an honorably retired peace officer of the agency to whom this section applies an opportunity to demonstrate weapons proficiency if the retired officer provides to the agency a sworn affidavit stating that:

(1) the officer honorably retired after not less than 20 years of service as a commissioned officer;

(2) the officer's license as a commissioned officer was not revoked or suspended for any period during the officer's

1 term of service as a commissioned officer; and

2 (3) the officer has no psychological or physical  
3 disability that would interfere with the officer's proper handling  
4 of a handgun.

5 (c) The agency shall establish written procedures for the  
6 issuance or denial of a certificate of proficiency under this  
7 section. The agency shall issue the certificate to a retired  
8 officer who satisfactorily demonstrates weapons proficiency under  
9 Subsection (b) and satisfies the written procedures established by  
10 the agency. The agency shall maintain records of any retired  
11 officer who holds a certificate issued under this section.

12 (d) A certificate issued under this section expires on the  
13 second anniversary of the date the certificate was issued.

14 (e) The head of a state or local law enforcement agency may  
15 set and collect fees to recover the expenses the agency incurs in  
16 performing duties under this section.

17 (f) The amount of a fee set by a county law enforcement  
18 agency under Subsection (e) is subject to the approval of the  
19 commissioners court of the county. A county law enforcement agency  
20 that collects a fee under Subsection (e) shall deposit the amounts  
21 collected to the credit of the general fund of the county.

22 (g) A county law enforcement agency must obtain approval of  
23 the program authorized by this section from the commissioners court  
24 of the county before issuing a certificate of proficiency under  
25 this section.

26 (h) The head of a state law enforcement agency may allow an  
27 honorably retired federal criminal investigator to whom this

1 section applies an opportunity to demonstrate weapons proficiency  
2 in the same manner as, and subject to the same requirements  
3 applicable to, an honorably retired peace officer as described by  
4 this section. The agency shall issue a certificate of proficiency  
5 to an honorably retired federal criminal investigator who otherwise  
6 meets the requirements of this section and shall maintain records  
7 regarding the issuance of that certificate.

8 SECTION 2. Subsection (a), Section 46.15, Penal Code, is  
9 amended to read as follows:

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

11 (1) peace officers and neither section prohibits a  
12 peace officer from carrying a weapon in this state, regardless of  
13 whether the officer is engaged in the actual discharge of the  
14 officer's duties while carrying the weapon;

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

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

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

22 (3) community supervision and corrections department  
23 officers appointed or employed under Section 76.004, Government  
24 Code, and neither section prohibits an officer from carrying a  
25 weapon in this state if the officer is:

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

1 (B) authorized to carry a weapon under Section  
2 76.0051, Government Code; ~~or~~]

3 (4) a judge or justice of the supreme court, the court  
4 of criminal appeals, a court of appeals, a district court, a  
5 criminal district court, a constitutional county court, a statutory  
6 county court, a justice court, or a municipal court who is licensed  
7 to carry a concealed handgun under Subchapter H, Chapter 411,  
8 Government Code; or

9 (5) an honorably retired peace officer or federal  
10 criminal investigator who holds a certificate of proficiency issued  
11 under Section 1701.357, Occupations Code, and is carrying a photo  
12 identification that:

13 (A) verifies that the officer honorably retired  
14 after not less than 20 years of service as a commissioned officer;  
15 and

16 (B) is issued by the agency from which the peace  
17 officer retired or, for a federal criminal investigator, by a state  
18 law enforcement agency.

19 SECTION 3. This Act takes effect September 1, 2003.

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>President of the Senate</div>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Speaker of the House</div>
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I hereby certify that S.B. No. 117 passed the Senate on March 27, 2003, by the following vote: Yeas 31, Nays 0; May 28, 2003, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 30, 2003, House granted request of the Senate; May 31, 2003, Senate adopted Conference Committee Report by a viva-voce vote.

	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Secretary of the Senate</div>
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I hereby certify that S.B. No. 117 passed the House, with amendments, on May 20, 2003, by a non-record vote; May 30, 2003, House granted request of the Senate for appointment of Conference Committee; May 31, 2003, House adopted Conference Committee Report by a non-record vote.

	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Chief Clerk of the House</div>
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Approved:

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Date

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Governor