

By: Staples

S.B. No. 117

Substitute the following for S.B. No. 117:

By: Driver

C.S.S.B. No. 117

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain retired peace officers 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 1707.357 to read as follows:

Sec. 1701.357. WEAPONS PROFICIENCY FOR CERTAIN RETIRED PEACE OFFICERS. (a) This section applies only to a peace officer designated as a peace officer under Article 2.12(1), (2), (3), or (10), Code of Criminal Procedure.

(b) The head of a state or local law enforcement agency may allow an honorably retired peace officer 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 term of service as a commissioned officer; and

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

(c) The agency shall issue a certificate of proficiency to a

1 retired officer who satisfactorily demonstrates weapons
2 proficiency under Subsection (b). The agency shall maintain
3 records of any retired officer who holds a certificate issued under
4 this section.

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

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

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

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

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

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

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

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

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

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

3 (B) authorized to carry a weapon under Section
4 76.0051, Government Code; ~~or~~

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

11 (5) an honorably retired peace officer who holds a
12 certificate of proficiency issued under Section 1701.357,
13 Occupations Code, and is carrying a photo identification issued by
14 the agency from which the officer retired verifying that the
15 officer honorably retired after not less than 20 years of service as
16 a commissioned officer.

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