

1-1 By: Staples S.B. No. 117
1-2 (In the Senate - Filed November 15, 2002; January 29, 2003,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 13, 2003, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; March 13, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the authority of certain retired peace officers to
1-9 carry certain weapons.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter H, Chapter 1701, Occupations Code,
1-12 is amended by adding Section 1701.357 to read as follows:

1-13 Sec. 1701.357. WEAPONS PROFICIENCY FOR CERTAIN RETIRED
1-14 PEACE OFFICERS. (a) This section applies only to a peace officer
1-15 designated as a peace officer under Article 2.12(1), (2), (3), or
1-16 (10), Code of Criminal Procedure.

1-17 (b) A state or local law enforcement agency may allow an
1-18 honorably retired peace officer to whom this section applies an
1-19 opportunity to demonstrate annually weapons proficiency if the
1-20 retired officer provides to the agency a sworn affidavit stating
1-21 that:

1-22 (1) the officer honorably retired after not less than
1-23 20 years of service as a commissioned officer;

1-24 (2) the officer's license as a commissioned officer
1-25 was not revoked or suspended for any period during the officer's
1-26 term of service as a commissioned officer; and

1-27 (3) the officer has no psychological or physical
1-28 disability that would interfere with the officer's proper handling
1-29 of a handgun.

1-30 (c) The agency shall issue a certificate of proficiency to a
1-31 retired officer who satisfactorily demonstrates weapons
1-32 proficiency under Subsection (b). The agency shall maintain
1-33 records of any retired officer who holds a certificate issued under
1-34 this section.

1-35 (d) A certificate issued under this section expires on the
1-36 first anniversary of the date the certificate was issued.

1-37 (e) A state or local law enforcement agency may set and
1-38 collect fees to recover the expenses the agency incurs in
1-39 performing duties under this section.

1-40 SECTION 2. Subsection (a), Section 46.15, Penal Code, is
1-41 amended to read as follows:

1-42 (a) Sections 46.02 and 46.03 do not apply to:

1-43 (1) peace officers and neither section prohibits a
1-44 peace officer from carrying a weapon in this state, regardless of
1-45 whether the officer is engaged in the actual discharge of the
1-46 officer's duties while carrying the weapon;

1-47 (2) parole officers and neither section prohibits an
1-48 officer from carrying a weapon in this state if the officer is:

1-49 (A) engaged in the actual discharge of the
1-50 officer's duties while carrying the weapon; and

1-51 (B) in compliance with policies and procedures
1-52 adopted by the Texas Department of Criminal Justice regarding the
1-53 possession of a weapon by an officer while on duty;

1-54 (3) community supervision and corrections department
1-55 officers appointed or employed under Section 76.004, Government
1-56 Code, and neither section prohibits an officer from carrying a
1-57 weapon in this state if the officer is:

1-58 (A) engaged in the actual discharge of the
1-59 officer's duties while carrying the weapon; and

1-60 (B) authorized to carry a weapon under Section
1-61 76.0051, Government Code; [~~or~~]

1-62 (4) a judge or justice of the supreme court, the court
1-63 of criminal appeals, a court of appeals, a district court, a
1-64 criminal district court, a constitutional county court, a statutory

2-1 county court, a justice court, or a municipal court who is licensed
2-2 to carry a concealed handgun under Subchapter H, Chapter 411,
2-3 Government Code; or

2-4 (5) an honorably retired peace officer who holds a
2-5 certificate of proficiency issued under Section 1701.357,
2-6 Occupations Code, and is carrying a photo identification issued by
2-7 the agency from which the officer retired verifying that the
2-8 officer honorably retired after not less than 20 years of service as
2-9 a commissioned officer.

2-10 SECTION 3. This Act takes effect September 1, 2003.

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