

BILL ANALYSIS

Senate Research Center

S.B. 578
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Criminal Justice
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Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The 78th Legislature, Regular Session, 2003, enacted S.B. 117, allowing certain retired peace officers and federal criminal investigators to carry certain weapons. Since then, federal legislation has been enacted allowing retired peace officers to carry their firearms throughout the country. S.B. 578 brings the State of Texas more in line with federal law by allowing honorably retired peace officers to carry a firearm after 15, rather than 20, years with an agency. S.B. 578 also considers the cumulative service with one or more agencies, whereas current law only recognizes service with one agency. Finally, S.B. 578 requires the peace officer to provide proof that he or she is receiving retirement benefits from a state or local law enforcement agency before receiving a certificate of firearm proficiency and allows a peace officer to receive yearly firearm proficiency training by any law enforcement agency in the state.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1701.357, Occupations Code, by amending Subsections (a)-(d) and adding Subsection (i), as follows:

- (a) Deletes existing text specifying a peace officer designated under Article 2.12(1), (2), (3), or (10), Code of Criminal Procedure. Deletes existing text relating to a special investigator designated under Article 2.122(a)(1) or (5).
- (b) Authorizes the head of a state or local law enforcement agency to allow an honorably retired peace officer an opportunity to demonstrate weapons proficiency if the retired officer provides to the agency a sworn affidavit stating that the officer honorably retired after not less than a total of 15, rather than 20, years of service as a commissioned officer with one or more state or local law enforcement agencies. Makes a nonsubstantive change.
- (c) Requires the agency to issue a certificate of proficiency to a retired officer who meets certain requirements, including an officer who provides proof that the officer is receiving retirement benefits on the basis of service with a state or local law enforcement agency.
- (d) Authorizes a retired officer to whom this section applies to request an annual evaluation of weapons proficiency and issuance of a certificate of proficiency as needed to comply with applicable federal or other laws.
- (i) Authorizes the head of a state or local law enforcement agency, on request of a retired officer who holds a certificate of proficiency, to issue to the officer identification that indicates that the officer retired from the agency. Requires that an identification under this subsection include a photograph of the retired officer.

SECTION 2. Amends Section 46.15(a), Penal Code, to provide that Sections 46.02 (Unlawful Carrying of Weapons) and 46.03 (Places Weapons Prohibited) do not apply to an honorably retired peace officer or federal criminal investigator who holds a certificate of proficiency and is carrying a photo identification that verifies that the officer honorably retired after not less than

15, rather than 20, years of service and is issued by a state or local law enforcement agency. Deletes existing text exempting commissioned peace officers of a recognized state and text requiring that identification for retired peace officers or federal criminal investigations be issued from certain agencies.

SECTION 3. Repealer: Section 46.15(g) (definition of "recognized state"), Penal Code, as added by Chapter 795, Acts of the 78th Legislature, Regular Session, 2003.

SECTION 4. Makes application of Section 46.15, Penal Code, as amended by this Act, prospective.

SECTION 5. Effective date: September 1, 2005.