

BILL ANALYSIS

H.B. 638
By: Hughes
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, retired peace officers are authorized to carry their weapons without a concealed handgun license. To make certain that only certified peace officers qualify for this benefit, a retired peace officer is required to prove he is receiving a pension from a law enforcement agency as a result of his service to the agency.

Many law enforcement agencies, especially small police departments in rural areas of the state, do not offer a pension to their retirees; consequently, officers who retire from these agencies are not eligible to carry a firearm under the retired officer statute even though they are retired peace officers.

H.B. 638 as proposed, amends the Occupations Code to allow an honorably retired officer, who does not receive a pension because his agency does not offer one, to carry a weapon upon the officer's retirement.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Section 1: Amends Section 1701.357(c), Occupations Code, by striking language requiring a retired peace officer to be receiving a pension in order to carry a weapon without a concealed handgun license. The bill adds language stating that in order to be issued a weapons proficiency certificate, a peace officer is required to provide proof that the officer is entitled to receive a pension or annuity for service with a state or local law enforcement agency or is not entitled to receive a pension or annuity only because the law enforcement agency that employed the officer does not offer a pension or annuity to its retired employees.

Section 2: Specifies that a change in law made by this Act applies only to an application for a certificate under Section 1701.357, Occupations Code, filed on or after the effective date of this Act.

Section 3: This Act takes effect September 1, 2007.

EFFECTIVE DATE

September 1, 2007