

BILL ANALYSIS

H.B. 964
By: Guillen
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law relating to the carrying of a weapon includes numerous provisions outlining when a gun owner may legally carry a gun. However, current law does not specifically name law enforcement students in these provisions.

The omission of law enforcement students from the code has led to the occasional detainment of these students by local law enforcement officers. This detainment is both unnecessary and unfortunate.

H.B. 964, as proposed, provides that law enforcement students may legally carry an unloaded weapon while traveling to and from a law enforcement class (such as target practice) and would ensure that the law regarding law enforcement students carrying weapons, within the context of their required coursework, is unambiguous..

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

H.B. 964 reenacts and amends Section 46.15 (b) of the Penal Code, as amended by Chapters 1221 and 1261, to state that Penal Code Section 46.02 does not apply to a person who is a student in a law enforcement class engaging in an activity required as part of the class if the weapon carried is a type commonly used in the activity and the person is on the immediate premises where the activity is conducted or en route between those premises and the person's residence and is carrying the weapon unloaded.

The bill also replaces the Texas Board of Private Investigators and Private Security with the Texas Private Security Board as the body authorized to issue a security officer commission.

The change in law only applies to offenses committed on or after the effective date of this Act.

EFFECTIVE DATE

September 1, 2007.