

## **BILL ANALYSIS**

Senate Research Center  
80R4938 PEP-F

H.B. 2101  
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Criminal Justice  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the Penal Code authorizes security officers commissioned by the Texas Private Security Board who are allowed to carry handguns to carry their weapons while traveling to and from the person's place of assignment. However, the Occupations Code authorizes these officers to carry their weapons while traveling directly to and from their place of assignment. The differences between these statutes creates confusion as to when security officers are authorized to carry their weapons.

H.B. 2101 clarifies the commissioned security officer traveling clauses of those codes and authorizes personal protection officers to carry firearms under certain conditions.

### **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 1702.169, Occupations Code, to prohibit a commissioned security officer other than a person acting as a personal protection officer from carrying a firearm unless the officer is traveling to or from the place of assignment, in addition to other requirements previously set forth in this section. Deletes existing text providing an exception to the requirement that the firearm be in plain view.

SECTION 2. Amends Section 1702.206, Occupations Code, to prohibit an individual acting as a personal protection officer from carrying a concealed firearm unless the officer is traveling to or from the officer's place of assignment, in addition to other requirements previously set forth in this subsection. Makes conforming changes.

SECTION 3. Reenacts and amends Section 46.15(b), Penal Code, as amended by Chapters 1221 and 1261, Acts of the 75<sup>th</sup> Legislature, Regular Session, 1997, to provide that Section 46.02 (Unlawful Carrying Weapons) does not apply to a person who holds a security officer commission issued by the Texas Private Security Board, rather than the Texas Board of Private Investigators and Private Security Agencies, if the person is engaged in the performance of the person's duties as an officer commissioned under Chapter 1702 (Private Security), Occupations Code, or is traveling to or from the person's place of assignment and is either wearing the officer's uniform and carrying the officer's weapon in plain view or acting as a personal protection officer and carrying the person's security officer commission and personal protection officer authorization; or is carrying a concealed handgun and a valid license issued under Subchapter H (License to Carry a Concealed Handgun), Chapter 411, Government Code, rather than Article 4413(29ee), Revised Statutes, to carry a concealed handgun of the same category as the handgun the person is carrying. Makes conforming changes.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2007.