

BILL ANALYSIS

H.B. 2101
By: Haggerty
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently the Penal code states that security officers commissioned by the Texas Commission on Private Security who are allowed to carry handguns may carry their weapons while traveling to and from the person's place of assignment.

However, Section 1702.169 of the Occupations Code states that commissioned security officers may carry their weapons while traveling directly to and from their place of assignment. This conflict in statute creates confusion as to when security officers may carry their weapons.

H.B. 2101, as proposed, would clarify the commissioned security officer traveling clause and allow personal protection officers to carry firearms under certain conditions.

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 1702.169, Occupations Code to exempt personal protection officers from restrictions related to the carrying of a firearm under the Section. The word "directly" is removed from Section 1702.169 (1)(B), Occupations Code. Conforming changes are also made.

SECTION 2. Amends Section 1702.206, Occupations Code to provide that a personal protection officer is allowed to carry a concealed firearm if the officer is traveling to or from the officer's place of assignment and is carrying the security officer commission and personal protection authorization on the officer's person while traveling, and presents the commission and authorization upon request.

SECTION 3. Section 46.15(b), Penal Code, as amended by Chapters 1221 and 1261, Acts of the 75th Legislature, Regular Session, 1997, is reenacted and amended to provide that Penal Code Section 46.02 does not apply to a person who holds a security officer commission issued by the Texas Private Security Board if the person is engaged in the performance of the person's duties as an officer commissioned under Chapter 1702, Occupations Code and is either wearing the officer's uniform and carrying the officer's weapon in plain view or is acting as a personal protection officer and carrying the person's security officer commission and personal protection officer authorization. The bill also strikes the word "distinctive" from Penal Code Section 46.15 (b) (5) (B) (i) and strikes Penal Code Section 46.15 (b)(7). The bill makes conforming changes throughout.

SECTION 4. Provides that the change in law made by this Act applies only to an offense committed on or after the effective date of this Act and that an offense committed before the effective date of this Act is governed by the law in effect when the offense was committed. For purposes of this section an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 5. Effective date September 1, 2007.

EFFECTIVE DATE

H.B. 2101 80(R)

September 1, 2007

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