

BILL ANALYSIS

C.S.H.B. 3635
By: Turner
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Some law enforcement agencies require that certain areas of their facilities are weapons-free. The policy presents a problem for concealed handguns license holders who have no place to store their handguns while visiting or working in the secure area.

C.S.H.B. 3365 provides that law enforcement agencies wishing to disarm concealed handgun license holders visiting the facility must provide a secure gun locker for the weapons and return them promptly after the license holder leaves the secure area.

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 411.207 Government Code by adding new Subsections (b), (c) and (d). Subsection (b) allows a peace officer who is acting in the lawful discharge of the officer's official duties to temporarily disarm a concealed handgun licensee prior to entry into a non-public, secure area of a law enforcement facility if gun locker facilities exist for the secure storage of the handgun. The peace officer is required to secure the handgun in the gun locker and return the handgun to the license holder immediately after the license holder leaves the nonpublic, secure portion of the law enforcement facility. Subsection (c) requires a law enforcement facility to prominently display at each entrance to a nonpublic, secure portion of the facility, a sign that gives notice in both English and Spanish that a peace officer may temporarily disarm a license holder when the license holder enters the nonpublic, secure portion of a law enforcement facility. This section outlines the guidelines for the sign. Subsection (d) defines "law enforcement facility" for this purpose to include areas where the business of law enforcement is conducted but does not include parking areas or sidewalks. "Nonpublic, secure area of law enforcement facility" is also defined in Subsection (d) as an area where the public is denied access and an area to which access is granted solely to conduct the official business of the law enforcement agency.

SECTION 2. Effective date September 1, 2007.

EFFECTIVE DATE

September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original bill in that it adds language in Section 411.207 Government Code, Subsection (b) to state that a peace officer is authorized to temporarily disarm a concealed handgun licensee prior to entry into a non-public, secure area of a law enforcement facility if a law enforcement agency provides a gun locker where the peace officer can secure the license holder's handgun. Also added is the clause that the peace officer shall secure the handgun in the locker. The original bill has no such reference.

The substitute also clarifies where a sign, described under this Section, must be displayed and clarifies how an entrance is described to say that an entrance of a law enforcement facility is a nonpublic, secure portion of the facility.

The substitute adds definitions of “law enforcement facility” and “non-public, secure portion of a law enforcement facility”. The original bill does not include the definitions but has language applying the bill only to official business of peace officers, which is not part of the substitute.