

By: Guillen

H.B. No. 964

A BILL TO BE ENTITLED

1 AN ACT

2 relating to allowing certain students to carry a weapon while en
3 route to and from a law enforcement class.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 46.15(b), Penal Code, as amended by
6 Chapters 1221 and 1261, Acts of the 75th Legislature, Regular
7 Session, 1997, is reenacted and amended to read as follows:

8 (b) Section 46.02 does not apply to a person who:

9 (1) is in the actual discharge of official duties as a
10 member of the armed forces or state military forces as defined by
11 Section 431.001, Government Code, or as a guard employed by a penal
12 institution;

13 (2) is on the person's own premises or premises under
14 the person's control unless the person is an employee or agent of
15 the owner of the premises and the person's primary responsibility
16 is to act in the capacity of a security guard to protect persons or
17 property, in which event the person must comply with Subdivision
18 (5);

19 (3) is traveling;

20 (4) is engaging in lawful hunting, fishing, or other
21 sporting activity on the immediate premises where the activity is
22 conducted, or is en route between the premises and the actor's
23 residence, if the weapon is a type commonly used in the activity;

24 (5) holds a security officer commission issued by the

1 Texas [~~Board of Private Investigators and~~] Private Security Board
2 [~~Agencies~~], if:

3 (A) the person is engaged in the performance of
4 the person's duties as a security officer or traveling to and from
5 the person's place of assignment;

6 (B) the person is wearing a distinctive uniform;
7 and

8 (C) the weapon is in plain view;

9 (6) is carrying a concealed handgun and a valid
10 license issued under Subchapter H, Chapter 411, Government Code
11 [~~Article 4413(29cc), Revised Statutes~~], to carry a concealed
12 handgun of the same category as the handgun the person is carrying;

13 (7) holds a security officer commission and a personal
14 protection officer authorization issued by the Texas [~~Board of~~
15 ~~Private Investigators and~~] Private Security Board [~~Agencies~~] and
16 [~~who~~] is providing personal protection under Chapter 1702,
17 Occupations Code [~~the Private Investigators and Private Security~~
18 ~~Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes)];
19 [~~or~~]~~

20 (8) holds an alcoholic beverage permit or license or
21 is an employee of a holder of an alcoholic beverage permit or
22 license if the person is supervising the operation of the permitted
23 or licensed premises; or

24 (9) is a student in a law enforcement class engaging in
25 an activity required as part of the class, if the weapon is a type
26 commonly used in the activity and the person is:

27 (A) on the immediate premises where the activity

1 is conducted; or

2 (B) en route between those premises and the
3 person's residence and is carrying the weapon unloaded.

4 SECTION 2. The change in law made by this Act applies only
5 to an offense committed on or after the effective date of this Act.
6 An offense committed before the effective date of this Act is
7 governed by the law in effect when the offense was committed, and
8 the former law is continued in effect for that purpose. For
9 purposes of this section, an offense was committed before the
10 effective date of this Act if any element of the offense was
11 committed before that date.

12 SECTION 3. This Act takes effect September 1, 2007.