

1-1 By: Guillen (Senate Sponsor - Hinojosa) H.B. No. 964
1-2 (In the Senate - Received from the House April 10, 2007;
1-3 April 11, 2007, read first time and referred to Committee on
1-4 Criminal Justice; May 18, 2007, reported favorably by the
1-5 following vote: Yeas 5, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to allowing certain students to carry a weapon while en
1-9 route to and from a law enforcement class.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 46.15(b), Penal Code, as amended by
1-12 Chapters 1221 and 1261, Acts of the 75th Legislature, Regular
1-13 Session, 1997, is reenacted and amended to read as follows:

1-14 (b) Section 46.02 does not apply to a person who:

1-15 (1) is in the actual discharge of official duties as a
1-16 member of the armed forces or state military forces as defined by
1-17 Section 431.001, Government Code, or as a guard employed by a penal
1-18 institution;

1-19 (2) is on the person's own premises or premises under
1-20 the person's control unless the person is an employee or agent of
1-21 the owner of the premises and the person's primary responsibility
1-22 is to act in the capacity of a security guard to protect persons or
1-23 property, in which event the person must comply with Subdivision
1-24 (5);

1-25 (3) is traveling;

1-26 (4) is engaging in lawful hunting, fishing, or other
1-27 sporting activity on the immediate premises where the activity is
1-28 conducted, or is en route between the premises and the actor's
1-29 residence, if the weapon is a type commonly used in the activity;

1-30 (5) holds a security officer commission issued by the
1-31 Texas ~~[Board of Private Investigators and]~~ Private Security Board
1-32 ~~[Agencies]~~, if:

1-33 (A) the person is engaged in the performance of
1-34 the person's duties as a security officer or traveling to and from
1-35 the person's place of assignment;

1-36 (B) the person is wearing a distinctive uniform;
1-37 and

1-38 (C) the weapon is in plain view;

1-39 (6) is carrying a concealed handgun and a valid
1-40 license issued under Subchapter H, Chapter 411, Government Code
1-41 ~~[Article 4413(29cc), Revised Statutes]~~, to carry a concealed
1-42 handgun of the same category as the handgun the person is carrying;

1-43 (7) holds a security officer commission and a personal
1-44 protection officer authorization issued by the Texas ~~[Board of~~
1-45 ~~Private Investigators and]~~ Private Security Board ~~[Agencies]~~ and
1-46 ~~[who]~~ is providing personal protection under Chapter 1702,
1-47 Occupations Code ~~[the Private Investigators and Private Security~~
1-48 ~~Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes)]~~;
1-49 ~~[or]~~

1-50 (8) holds an alcoholic beverage permit or license or
1-51 is an employee of a holder of an alcoholic beverage permit or
1-52 license if the person is supervising the operation of the permitted
1-53 or licensed premises; or

1-54 (9) is a student in a law enforcement class engaging in
1-55 an activity required as part of the class, if the weapon is a type
1-56 commonly used in the activity and the person is:

1-57 (A) on the immediate premises where the activity
1-58 is conducted; or

1-59 (B) en route between those premises and the
1-60 person's residence and is carrying the weapon unloaded.

1-61 SECTION 2. The change in law made by this Act applies only
1-62 to an offense committed on or after the effective date of this Act.
1-63 An offense committed before the effective date of this Act is
1-64 governed by the law in effect when the offense was committed, and

2-1 the former law is continued in effect for that purpose. For
2-2 purposes of this section, an offense was committed before the
2-3 effective date of this Act if any element of the offense was
2-4 committed before that date.

2-5 SECTION 3. This Act takes effect September 1, 2007.

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