

By: Haggerty

H.B. No. 2101

A BILL TO BE ENTITLED

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AN ACT

relating to the authority of a commissioned security officer to carry certain weapons.

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

SECTION 1. Section 1702.169, Occupations Code, is amended to read as follows:

Sec. 1702.169. FIREARM RESTRICTIONS. A commissioned security officer other than a person acting as a personal protection officer may not carry a firearm unless:

(1) the security officer is:

(A) engaged in the performance of duties as a security officer; or

(B) traveling [~~directly~~] to or from the place of assignment;

(2) the security officer wears a distinctive uniform indicating that the individual is a security officer; and

(3) the firearm is in plain view[~~, except as provided by Section 1702.206~~].

SECTION 2. Section 1702.206, Occupations Code, is amended to read as follows:

Sec. 1702.206. CONCEALED FIREARMS. An individual acting as a personal protection officer may not carry a concealed firearm unless the officer:

(1) is either:

1            (A) engaged in the exclusive performance of the  
2 officer's duties as a personal protection officer for the employer  
3 under whom the officer's personal protection officer authorization  
4 is issued; or

5            (B) traveling to or from the officer's place of  
6 assignment; and

7            (2) carries the officer's security officer commission  
8 and personal protection officer authorization on the officer's  
9 person while performing the officer's duties or traveling as  
10 described by Subdivision (1) and presents the commission and  
11 authorization on request.

12            SECTION 3. Section 46.15(b), Penal Code, as amended by  
13 Chapters 1221 and 1261, Acts of the 75th Legislature, Regular  
14 Session, 1997, is reenacted and amended to read as follows:

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

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

20            (2) is on the person's own premises or premises under  
21 the person's control unless the person is an employee or agent of  
22 the owner of the premises and the person's primary responsibility  
23 is to act in the capacity of a security guard to protect persons or  
24 property, in which event the person must comply with Subdivision  
25 (5);

26            (3) is traveling;

27            (4) is engaging in lawful hunting, fishing, or other

1 sporting activity on the immediate premises where the activity is  
2 conducted, or is en route between the premises and the actor's  
3 residence, if the weapon is a type commonly used in the activity;

4 (5) holds a security officer commission issued by the  
5 Texas [~~Board of Private Investigators and~~] Private Security Board  
6 [~~Agencies~~], if the person:

7 (A) is [~~the person is~~] engaged in the performance  
8 of the person's duties as an [~~a security~~] officer commissioned  
9 under Chapter 1702, Occupations Code, or is traveling to or [~~and~~]  
10 from the person's place of assignment; and

11 (B) is either:

12 (i) [~~the person is~~] wearing the officer's [~~a~~  
13 ~~distinctive~~] uniform[~~+~~] and carrying

14 [~~(C)~~] the officer's weapon [~~is~~] in plain view; or

15 (ii) acting as a personal protection  
16 officer and carrying the person's security officer commission and  
17 personal protection officer authorization;

18 (6) is carrying a concealed handgun and a valid  
19 license issued under Subchapter H, Chapter 411, Government Code  
20 [~~Article 4413(29cc), Revised Statutes~~], to carry a concealed  
21 handgun of the same category as the handgun the person is carrying;  
22 or

23 (7) [~~holds a security officer commission and a~~  
24 ~~personal protection authorization issued by the Texas Board of~~  
25 ~~Private Investigators and Private Security Agencies and who is~~  
26 ~~providing personal protection under the Private Investigators and~~  
27 ~~Private Security Agencies Act (Article 4413(29bb), Vernon's Texas~~

1 ~~Civil Statutes), or~~

2           ~~(8)~~ holds an alcoholic beverage permit or license or  
3 is an employee of a holder of an alcoholic beverage permit or  
4 license if the person is supervising the operation of the permitted  
5 or licensed premises.

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

14           SECTION 5. This Act takes effect September 1, 2007.