

1-1 By: Haggerty (Senate Sponsor - Jackson) H.B. No. 2101
1-2 (In the Senate - Received from the House May 10, 2007;
1-3 May 14, 2007, read first time and referred to Committee on Criminal
1-4 Justice; May 18, 2007, reported favorably by the following vote:
1-5 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 the authority of a commissioned security officer to
1-9 carry certain weapons.

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

1-11 SECTION 1. Section 1702.169, Occupations Code, is amended
1-12 to read as follows:

1-13 Sec. 1702.169. FIREARM RESTRICTIONS. A commissioned
1-14 security officer other than a person acting as a personal
1-15 protection officer may not carry a firearm unless:

1-16 (1) the security officer is:

1-17 (A) engaged in the performance of duties as a
1-18 security officer; or

1-19 (B) traveling [~~directly~~] to or from the place of
1-20 assignment;

1-21 (2) the security officer wears a distinctive uniform
1-22 indicating that the individual is a security officer; and

1-23 (3) the firearm is in plain view[~~, except as provided~~
1-24 ~~by Section 1702.206~~].

1-25 SECTION 2. Section 1702.206, Occupations Code, is amended
1-26 to read as follows:

1-27 Sec. 1702.206. CONCEALED FIREARMS. An individual acting as
1-28 a personal protection officer may not carry a concealed firearm
1-29 unless the officer:

1-30 (1) is either:

1-31 (A) engaged in the exclusive performance of the
1-32 officer's duties as a personal protection officer for the employer
1-33 under whom the officer's personal protection officer authorization
1-34 is issued; or

1-35 (B) traveling to or from the officer's place of
1-36 assignment; and

1-37 (2) carries the officer's security officer commission
1-38 and personal protection officer authorization on the officer's
1-39 person while performing the officer's duties or traveling as
1-40 described by Subdivision (1) and presents the commission and
1-41 authorization on request.

1-42 SECTION 3. Section 46.15(b), Penal Code, as amended by
1-43 Chapters 1221 and 1261, Acts of the 75th Legislature, Regular
1-44 Session, 1997, is reenacted and amended to read as follows:

1-45 (b) Section 46.02 does not apply to a person who:

1-46 (1) is in the actual discharge of official duties as a
1-47 member of the armed forces or state military forces as defined by
1-48 Section 431.001, Government Code, or as a guard employed by a penal
1-49 institution;

1-50 (2) is on the person's own premises or premises under
1-51 the person's control unless the person is an employee or agent of
1-52 the owner of the premises and the person's primary responsibility
1-53 is to act in the capacity of a security guard to protect persons or
1-54 property, in which event the person must comply with Subdivision
1-55 (5);

1-56 (3) is traveling;

1-57 (4) is engaging in lawful hunting, fishing, or other
1-58 sporting activity on the immediate premises where the activity is
1-59 conducted, or is en route between the premises and the actor's
1-60 residence, if the weapon is a type commonly used in the activity;

1-61 (5) holds a security officer commission issued by the
1-62 Texas [~~Board of Private Investigators and~~] Private Security Board
1-63 [~~Agencies~~], if the person:

1-64 (A) is [~~the person is~~] engaged in the performance

of the person's duties as an ~~[a security]~~ officer commissioned
under Chapter 1702, Occupations Code, or is traveling to or ~~[and]~~
from the person's place of assignment; and

(B) is either:

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

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

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

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

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

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

SECTION 4. The change in law made by this Act applies only
to an offense committed on or after the effective date of this Act.
An offense committed before the effective date of this Act is
governed by the law in effect when the offense was committed, and
the former law is continued in effect for that purpose. 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. This Act takes effect September 1, 2007.

* * * * *