

BILL ANALYSIS

H.B. 2378
By: Heflin
Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a juvenile probation officer is not authorized to carry a firearm in the course of the officer's official duties. Oftentimes, a juvenile probation officer is placed in a situation, such as a visit to a parolee's home, that may escalate into a violent situation. Not having a firearm in such a situation could put an officer at risk of serious injury or death, but many communities do not have enough police officers or deputies to accompany juvenile probation officers in the course of their official duties. Authorizing a juvenile probation officer to carry a firearm will not only add a level of safety for the officer, it may also deter a parolee from initiating violent behavior against a juvenile probation officer.

H.B. 2378 authorizes a juvenile probation officer to carry a firearm in the course of the officer's official duties if the officer is certified and properly authorized to do so.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Commission on Law Enforcement Officer Standards and Education and the Texas Juvenile Probation Commission in SECTION 5 of this bill.

ANALYSIS

H.B. 2378 amends the Human Resources Code to exempt a juvenile probation officer authorized to carry a firearm from the prohibition against carrying a firearm. The bill authorizes a juvenile probation officer to carry a firearm in the course of the officer's official duties if the officer possesses a certificate of firearms proficiency issued by the Commission on Law Enforcement Officer Standards and Education and if the chief juvenile probation officer of the juvenile probation department that employs the officer authorizes the officer to carry a firearm in the course of the officer's official duties. The bill provides that this authorization does not affect the sovereign immunity of the state, an agency of the state, or a political subdivision of the state.

H.B. 2378 reenacts and amends Section 46.15(a), Penal Code, as amended by Chapters 1214 (H.B. 1889) and 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, to add a juvenile probation officer who is authorized to carry a firearm to the list of persons to whom the offenses of the unlawful carrying of a weapon or of possessing a weapon in a prohibited place do not apply.

H.B. 2378 amends the Occupations Code to require the Commission on Law Enforcement Officer Standards and Education and the Texas Juvenile Probation Commission to adopt by rule a memorandum of understanding (MOU) that establishes a training program in the use of firearms by juvenile probation officers. The bill requires the MOU to be adopted not later than January 1, 2010 and to establish a program that provides instruction in the following: legal limitations on the use of firearms and on the powers and authority of juvenile probation officers; range firing and procedure and firearms safety and maintenance; and other topics determined by the Commission on Law Enforcement Officer Standards and Education and the Texas Juvenile

Probation Commission to be necessary for the responsible use of firearms by juvenile probation officers.

H.B. 2378 requires the Commission on Law Enforcement Officer Standards and Education to administer the training program and to issue a certificate of firearms proficiency to each juvenile probation officer the commission determines has successfully completed the program and authorizes the commission to establish reasonable and necessary fees for the administration of the training program. The bill provides that the training program does not affect the sovereign immunity of the state, an agency of the state, or a political subdivision of the state.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.