

## **BILL ANALYSIS**

Senate Research Center

S.B. 417  
By: Carona  
Natural Resources  
9/23/2009  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

All peace officers may carry weapons while on or off duty and most officers prefer to carry a weapon with which they are familiar, including the weapon they use in their role as peace officers. Currently, when a service weapon is retired, it becomes a surplus item and is sold in the same way as other agency surplus items such as office furniture or motor vehicles.

In 1991, the 72nd Legislature passed legislation that gave the Department of Public Safety of the State of Texas (DPS) authority under Section 411.020 (Purchase of Firearm From Department by Officer), Government Code, to allow officers within DPS to purchase their retired service weapons. Commissioned employees of the Texas Parks and Wildlife Department (TPWD) who are also peace officers would like to be able to purchase their firearms upon the weapon's retirement.

S.B. 417 amends current law relating to the purchase of a retired firearm from TPWD by a game warden.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Parks and Wildlife Commission in SECTION 1 (Section 11.0193, Parks and Wildlife Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 11, Parks and Wildlife Code, by adding Section 11.0193, as follows:

Sec. 11.0193. PURCHASE OF FIREARM FROM DEPARTMENT BY COMMISSIONED PEACE OFFICER. (a) Authorizes an employee commissioned by the executive director of the Texas Parks and Wildlife Department (TPWD) as a peace officer to purchase for an amount set by TPWD, not to exceed fair market value, a firearm issued to the person by TPWD if the firearm is not listed as a prohibited weapon under Section 46.05 (Prohibited Weapons), Penal Code, and is retired by TPWD for replacement purposes.

(b) Authorizes the Texas Parks and Wildlife Commission to adopt rules for the sale of a retired firearm under this section to a peace officer commissioned by the executive director of TPWD.

SECTION 2. Effective date: upon passage or September 1, 2009.