

BILL ANALYSIS

S.B. 417
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Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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 performing their duties as a peace officer. Currently, when a peace officer's service weapon is retired, it becomes a surplus item and is sold in the same manner as other agency surplus items, such as office furniture or motor vehicles.

State law permits officers within the Department of Public Safety to purchase their service weapon upon the weapon's retirement. Commissioned employees of the Texas Parks and Wildlife Department (TPWD) who are also peace officers desire similar consideration.

In addition to making the weapon available to a TPWD officer who may want his or her weapon, it is also less costly from an administrative perspective for an officer to purchase his or her service weapon directly upon its retirement rather than placing the weapon into the agency's surplus system for sale.

S.B. 417 authorizes the sale of certain retired firearms to a peace officer commissioned by the executive director of TPWD.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 1 of this bill.

ANALYSIS

S.B. 417 amends the Parks and Wildlife Code to authorize an employee commissioned as a peace officer by the executive director of the Texas Parks and Wildlife Department (TPWD) 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 state law and the firearm is retired by TPWD for replacement purposes. The bill authorizes the Parks and Wildlife Commission to adopt rules for the sale of a retired firearm to a peace officer commissioned by the director.

EFFECTIVE DATE

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