

BILL ANALYSIS

S.B. 1237
By: Estes
Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Juvenile probation officers are not authorized to carry a firearm while performing official duties, and there is a concern for the safety of these officers because they are sometimes required to travel alone and at night to various locations, some of which are in dangerous or isolated areas.

Every county juvenile probation department has a different level of resources and cultural differences. Juvenile probation officers are county employees, and the county juvenile probation department should have discretion in protecting the community and county employees. Twelve other states authorize or require juvenile probation officers to carry a firearm. In nine of those states, the decision is local. Moreover, similar occupations in Texas, including adult probation officers, adult parole officers, and officers in the Office of Inspector General at the Texas Youth Commission, are authorized to carry firearms. Certain attorneys and judges also are allowed to carry a weapon in the work environment.

S.B. 1237 exempts 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.

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

S.B. 1237 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.

S.B. 1237 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.

S.B. 1237 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 that establishes a training program in the use of firearms by juvenile probation officers. The bill requires the memorandum 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.

S.B. 1237 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.