

By: Heflin

H.B. No. 2378

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain juvenile probation officers to carry firearms.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 141.066, Human Resources Code, is amended to read as follows:

Sec. 141.066. [~~PROHIBITION ON~~] CARRYING OF FIREARM BY CERTAIN OFFICERS PROHIBITED.

SECTION 2. Section 141.066(b), Human Resources Code, is amended to read as follows:

(b) This section does not apply to:

(1) an employee of the Texas Youth Commission; or

(2) a juvenile probation officer authorized to carry a firearm under Section 142.006.

SECTION 3. Chapter 142, Human Resources Code, is amended by adding Section 142.006 to read as follows:

Sec. 142.006. AUTHORIZATION TO CARRY FIREARM. (a) A juvenile probation officer may carry a firearm in the course of the officer's official duties if:

(1) the juvenile probation officer possesses a certificate of firearms proficiency issued by the Commission on Law Enforcement Officer Standards and Education under Section 1701.258, Occupations Code; and

(2) the chief juvenile probation officer of the

1 juvenile probation department that employs the juvenile probation
2 officer authorizes the juvenile probation officer to carry a
3 firearm in the course of the officer's official duties.

4 (b) This section does not affect the sovereign immunity of
5 the state, an agency of the state, or a political subdivision of the
6 state.

7 SECTION 4. Section 46.15(a), Penal Code, as amended by
8 Chapters 1214 (H.B. 1889) and 1222 (H.B. 2300), Acts of the 80th
9 Legislature, Regular Session, 2007, is reenacted and amended to
10 read as follows:

11 (a) Sections 46.02 and 46.03 do not apply to:

12 (1) peace officers or special investigators under
13 Article 2.122, Code of Criminal Procedure, and neither section
14 prohibits a peace officer or special investigator from carrying a
15 weapon in this state, including in an establishment in this state
16 serving the public, regardless of whether the peace officer or
17 special investigator is engaged in the actual discharge of the
18 officer's or investigator's duties while carrying the weapon;

19 (2) parole officers and neither section prohibits an
20 officer from carrying a weapon in this state if the officer is:

21 (A) engaged in the actual discharge of the
22 officer's duties while carrying the weapon; and

23 (B) in compliance with policies and procedures
24 adopted by the Texas Department of Criminal Justice regarding the
25 possession of a weapon by an officer while on duty;

26 (3) community supervision and corrections department
27 officers appointed or employed under Section 76.004, Government

1 Code, and neither section prohibits an officer from carrying a
2 weapon in this state if the officer is:

3 (A) engaged in the actual discharge of the
4 officer's duties while carrying the weapon; and

5 (B) authorized to carry a weapon under Section
6 76.0051, Government Code;

7 (4) a judge or justice of a federal court, the supreme
8 court, the court of criminal appeals, a court of appeals, a district
9 court, a criminal district court, a constitutional county court, a
10 statutory county court, a justice court, or a municipal court who is
11 licensed to carry a concealed handgun under Subchapter H, Chapter
12 411, Government Code;

13 (5) an honorably retired peace officer or federal
14 criminal investigator who holds a certificate of proficiency issued
15 under Section 1701.357, Occupations Code, and is carrying a photo
16 identification that:

17 (A) verifies that the officer honorably retired
18 after not less than 15 years of service as a commissioned officer;
19 and

20 (B) is issued by a state or local law enforcement
21 agency;

22 (6) a district attorney, criminal district attorney,
23 county attorney, or municipal attorney who is licensed to carry a
24 concealed handgun under Subchapter H, Chapter 411, Government Code;
25 [~~or~~]

26 (7) an assistant district attorney, assistant
27 criminal district attorney, or assistant county attorney who is

1 licensed to carry a concealed handgun under Subchapter H, Chapter
2 411, Government Code;

3 (8) [~~7~~] a bailiff designated by an active judicial
4 officer as defined by Section 411.201, Government Code, who is:

5 (A) licensed to carry a concealed handgun under
6 Chapter 411, Government Code; and

7 (B) engaged in escorting the judicial officer; or

8 (9) a juvenile probation officer who is authorized to
9 carry a firearm under Section 142.006, Human Resources Code.

10 SECTION 5. Subchapter F, Chapter 1701, Occupations Code,
11 is amended by adding Section 1701.258 to read as follows:

12 Sec. 1701.258. FIREARMS TRAINING PROGRAM FOR JUVENILE
13 PROBATION OFFICERS. (a) The commission and the Texas Juvenile
14 Probation Commission by rule shall adopt a memorandum of
15 understanding that establishes a training program in the use of
16 firearms by juvenile probation officers. The memorandum of
17 understanding must establish a program that provides instruction
18 in:

19 (1) legal limitations on the use of firearms and on the
20 powers and authority of juvenile probation officers;

21 (2) range firing and procedure, and firearms safety
22 and maintenance; and

23 (3) other topics determined by the commission and the
24 Texas Juvenile Probation Commission to be necessary for the
25 responsible use of firearms by juvenile probation officers.

26 (b) The commission shall administer the training program
27 and shall issue a certificate of firearms proficiency to each

1 juvenile probation officer the commission determines has
2 successfully completed the program described by Subsection (a).

3 (c) The commission may establish reasonable and necessary
4 fees for the administration of this section.

5 (d) This section does not affect the sovereign immunity of
6 the state, an agency of the state, or a political subdivision of the
7 state.

8 SECTION 6. The Commission on Law Enforcement Officer
9 Standards and Education and the Texas Juvenile Probation Commission
10 shall adopt the memorandum of understanding required by Section
11 1701.258, Occupations Code, as added by this Act, not later than
12 January 1, 2010.

13 SECTION 7. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2009.