

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. Subsection (b), Section 141.066, 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;

(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; and

4 (3) the juvenile probation officer has been employed  
5 for at least one year by the juvenile probation department  
6 described by Subdivision (2).

7 (b) A juvenile probation officer is disqualified from being  
8 authorized to carry a firearm under this section if the officer has  
9 been designated a perpetrator in a Texas Juvenile Probation  
10 Commission abuse, neglect, or exploitation investigation.

11 (c) This section does not affect the sovereign immunity of  
12 the state, an agency of the state, or a political subdivision of the  
13 state.

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

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

19 (1) peace officers or special investigators under  
20 Article 2.122, Code of Criminal Procedure, and neither section  
21 prohibits a peace officer or special investigator from carrying a  
22 weapon in this state, including in an establishment in this state  
23 serving the public, regardless of whether the peace officer or  
24 special investigator is engaged in the actual discharge of the  
25 officer's or investigator's duties while carrying the weapon;

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

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

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

6 (3) community supervision and corrections department  
7 officers appointed or employed under Section 76.004, Government  
8 Code, and neither section prohibits an officer from carrying a  
9 weapon in this state if the officer is:

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

12 (B) authorized to carry a weapon under Section  
13 76.0051, Government Code;

14 (4) a judge or justice of a federal court, the supreme  
15 court, the court of criminal appeals, a court of appeals, a district  
16 court, a criminal district court, a constitutional county court, a  
17 statutory county court, a justice court, or a municipal court who is  
18 licensed to carry a concealed handgun under Subchapter H, Chapter  
19 411, Government Code;

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

24 (A) verifies that the officer honorably retired  
25 after not less than 15 years of service as a commissioned officer;  
26 and

27 (B) is issued by a state or local law enforcement

1 agency;

2 (6) a district attorney, criminal district attorney,  
3 county attorney, or municipal attorney who is licensed to carry a  
4 concealed handgun under Subchapter H, Chapter 411, Government Code;  
5 ~~[or]~~

6 (7) an assistant district attorney, assistant  
7 criminal district attorney, or assistant county attorney who is  
8 licensed to carry a concealed handgun under Subchapter H, Chapter  
9 411, Government Code;

10 (8) ~~[(7)]~~ a bailiff designated by an active judicial  
11 officer as defined by Section 411.201, Government Code, who is:

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

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

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

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

19 Sec. 1701.258. FIREARMS TRAINING PROGRAM FOR JUVENILE  
20 PROBATION OFFICERS. (a) The commission and the Texas Juvenile  
21 Probation Commission by rule shall adopt a memorandum of  
22 understanding that establishes a training program in the use of  
23 firearms by juvenile probation officers. The memorandum of  
24 understanding must establish a program that provides instruction  
25 in:

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

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

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

6           (b) The commission shall administer the training program  
7 and shall issue a certificate of firearms proficiency to each  
8 juvenile probation officer the commission determines has  
9 successfully completed the program described by Subsection (a).

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

12          (d) This section does not affect the sovereign immunity of  
13 the state, an agency of the state, or a political subdivision of the  
14 state.

15          SECTION 6. The Commission on Law Enforcement Officer  
16 Standards and Education and the Texas Juvenile Probation Commission  
17 shall adopt the memorandum of understanding required by Section  
18 1701.258, Occupations Code, as added by this Act, not later than  
19 January 1, 2010.

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

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 1237 passed the Senate on April 24, 2009, by the following vote: Yeas 30, Nays 0; May 20, 2009, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 21, 2009, House granted request of the Senate; May 29, 2009, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 1.

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Secretary of the Senate

I hereby certify that S.B. No. 1237 passed the House, with amendments, on May 12, 2009, by the following vote: Yeas 143, Nays 3, three present not voting; May 21, 2009, House granted request of the Senate for appointment of Conference Committee; May 28, 2009, House adopted Conference Committee Report by the following vote: Yeas 130, Nays 13, one present not voting.

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Chief Clerk of the House

Approved:

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Date

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Governor