

1-1 By: Estes S.B. No. 1237  
1-2 (In the Senate - Filed March 2, 2009; March 17, 2009, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 22, 2009, reported favorably by the following vote: Yeas 4,  
1-5 Nays 0; April 22, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the authority of certain juvenile probation officers to  
1-9 carry firearms.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. The heading to Section 141.066, Human Resources  
1-12 Code, is amended to read as follows:

1-13 Sec. 141.066. [~~PROHIBITION ON~~] CARRYING OF FIREARM BY  
1-14 CERTAIN OFFICERS PROHIBITED.

1-15 SECTION 2. Subsection (b), Section 141.066, Human Resources  
1-16 Code, is amended to read as follows:

1-17 (b) This section does not apply to:

1-18 (1) an employee of the Texas Youth Commission; or

1-19 (2) a juvenile probation officer authorized to carry a  
1-20 firearm under Section 142.006.

1-21 SECTION 3. Chapter 142, Human Resources Code, is amended by  
1-22 adding Section 142.006 to read as follows:

1-23 Sec. 142.006. AUTHORIZATION TO CARRY FIREARM. (a) A  
1-24 juvenile probation officer may carry a firearm in the course of the  
1-25 officer's official duties if:

1-26 (1) the juvenile probation officer possesses a  
1-27 certificate of firearms proficiency issued by the Commission on Law  
1-28 Enforcement Officer Standards and Education under Section  
1-29 1701.258, Occupations Code; and

1-30 (2) the chief juvenile probation officer of the  
1-31 juvenile probation department that employs the juvenile probation  
1-32 officer authorizes the juvenile probation officer to carry a  
1-33 firearm in the course of the officer's official duties.

1-34 (b) This section does not affect the sovereign immunity of  
1-35 the state, an agency of the state, or a political subdivision of the  
1-36 state.

1-37 SECTION 4. Subsection (a), Section 46.15, Penal Code, as  
1-38 amended by Chapters 1214 (H.B. 1889) and 1222 (H.B. 2300), Acts of  
1-39 the 80th Legislature, Regular Session, 2007, is reenacted and  
1-40 amended to read as follows:

1-41 (a) Sections 46.02 and 46.03 do not apply to:

1-42 (1) peace officers or special investigators under  
1-43 Article 2.122, Code of Criminal Procedure, and neither section  
1-44 prohibits a peace officer or special investigator from carrying a  
1-45 weapon in this state, including in an establishment in this state  
1-46 serving the public, regardless of whether the peace officer or  
1-47 special investigator is engaged in the actual discharge of the  
1-48 officer's or investigator's duties while carrying the weapon;

1-49 (2) parole officers and neither section prohibits an  
1-50 officer from carrying a weapon in this state if the officer is:

1-51 (A) engaged in the actual discharge of the  
1-52 officer's duties while carrying the weapon; and

1-53 (B) in compliance with policies and procedures  
1-54 adopted by the Texas Department of Criminal Justice regarding the  
1-55 possession of a weapon by an officer while on duty;

1-56 (3) community supervision and corrections department  
1-57 officers appointed or employed under Section 76.004, Government  
1-58 Code, and neither section prohibits an officer from carrying a  
1-59 weapon in this state if the officer is:

1-60 (A) engaged in the actual discharge of the  
1-61 officer's duties while carrying the weapon; and

1-62 (B) authorized to carry a weapon under Section  
1-63 76.0051, Government Code;

1-64 (4) a judge or justice of a federal court, the supreme

2-1 court, the court of criminal appeals, a court of appeals, a district  
2-2 court, a criminal district court, a constitutional county court, a  
2-3 statutory county court, a justice court, or a municipal court who is  
2-4 licensed to carry a concealed handgun under Subchapter H, Chapter  
2-5 411, Government Code;

2-6 (5) an honorably retired peace officer or federal  
2-7 criminal investigator who holds a certificate of proficiency issued  
2-8 under Section 1701.357, Occupations Code, and is carrying a photo  
2-9 identification that:

2-10 (A) verifies that the officer honorably retired  
2-11 after not less than 15 years of service as a commissioned officer;  
2-12 and

2-13 (B) is issued by a state or local law enforcement  
2-14 agency;

2-15 (6) a district attorney, criminal district attorney,  
2-16 county attorney, or municipal attorney who is licensed to carry a  
2-17 concealed handgun under Subchapter H, Chapter 411, Government Code;  
2-18 [~~or~~]

2-19 (7) an assistant district attorney, assistant  
2-20 criminal district attorney, or assistant county attorney who is  
2-21 licensed to carry a concealed handgun under Subchapter H, Chapter  
2-22 411, Government Code;

2-23 (8) [~~(7)~~] a bailiff designated by an active judicial  
2-24 officer as defined by Section 411.201, Government Code, who is:

2-25 (A) licensed to carry a concealed handgun under  
2-26 Chapter 411, Government Code; and

2-27 (B) engaged in escorting the judicial officer; or

2-28 (9) a juvenile probation officer who is authorized to  
2-29 carry a firearm under Section 142.006, Human Resources Code.

2-30 SECTION 5. Subchapter F, Chapter 1701, Occupations Code, is  
2-31 amended by adding Section 1701.258 to read as follows:

2-32 Sec. 1701.258. FIREARMS TRAINING PROGRAM FOR JUVENILE  
2-33 PROBATION OFFICERS. (a) The commission and the Texas Juvenile  
2-34 Probation Commission by rule shall adopt a memorandum of  
2-35 understanding that establishes a training program in the use of  
2-36 firearms by juvenile probation officers. The memorandum of  
2-37 understanding must establish a program that provides instruction  
2-38 in:

2-39 (1) legal limitations on the use of firearms and on the  
2-40 powers and authority of juvenile probation officers;

2-41 (2) range firing and procedure, and firearms safety  
2-42 and maintenance; and

2-43 (3) other topics determined by the commission and the  
2-44 Texas Juvenile Probation Commission to be necessary for the  
2-45 responsible use of firearms by juvenile probation officers.

2-46 (b) The commission shall administer the training program  
2-47 and shall issue a certificate of firearms proficiency to each  
2-48 juvenile probation officer the commission determines has  
2-49 successfully completed the program described by Subsection (a).

2-50 (c) The commission may establish reasonable and necessary  
2-51 fees for the administration of this section.

2-52 (d) This section does not affect the sovereign immunity of  
2-53 the state, an agency of the state, or a political subdivision of the  
2-54 state.

2-55 SECTION 6. The Commission on Law Enforcement Officer  
2-56 Standards and Education and the Texas Juvenile Probation Commission  
2-57 shall adopt the memorandum of understanding required by Section  
2-58 1701.258, Occupations Code, as added by this Act, not later than  
2-59 January 1, 2010.

2-60 SECTION 7. This Act takes effect immediately if it receives  
2-61 a vote of two-thirds of all the members elected to each house, as  
2-62 provided by Section 39, Article III, Texas Constitution. If this  
2-63 Act does not receive the vote necessary for immediate effect, this  
2-64 Act takes effect September 1, 2009.

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