

## **BILL ANALYSIS**

C.S.H.B. 242  
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Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current statutes exempt certain persons, including honorably retired peace officers and federal criminal investigators who hold a certificate of weapons proficiency and photo identification card issued by a state or local law enforcement agency in accordance with certain requirements, from the unlawful weapon carry and weapon carry in a prohibited place laws. These officers may demonstrate that proficiency by submitting an affidavit that includes, among other facts, that the officer honorably retired after a certain period of service as a commissioned officer.

C.S.H.B. 242 clarifies the ability of certain retired law enforcement officers as defined under federal law and who have less than a prescribed period of service to demonstrate weapons proficiency and qualify for that exemption. This legislation seeks to ensure that these officers, who separated from employment with a law enforcement agency in good standing after many years of service or separated due to a service-connected disability, are eligible to have the opportunity to demonstrate weapons proficiency to carry a firearm in the same manner as other honorably retired peace officers in Texas.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 242 amends the Occupations Code, in provisions of law authorizing the head of a state or local law enforcement agency to allow certain honorably retired peace officers an opportunity to demonstrate weapons proficiency by submitting a sworn affidavit stating that the officer meets certain requirements, to include as an alternative to the required statement that the officer honorably retired after not less than 15 years of total service as a commissioned officer, a statement that the officer, before completing 15 years of service as a commissioned officer with one or more state or local law enforcement agencies, separated from employment with the agency or agencies and is a qualified retired law enforcement officer, as defined by federal law relating to the carrying of concealed firearms by qualified retired law enforcement officers.

C.S.H.B. 242 amends the Penal Code to include a qualified retired law enforcement officer among the officers who are exempt from unlawful weapon carry and weapon carry in a prohibited place laws if the officer holds a certificate of weapons proficiency and is carrying a photo identification that is issued by a federal, state, or local law enforcement agency, as applicable. The bill removes, for purposes of that exemption, the requirement that an honorably retired peace officer's or federal criminal investigator's photo identification verify that the officer retired after not less than 15 years of service as a commissioned officer. The bill requires, for the purposes of the exemption, the photo identification of a federal criminal investigator or a qualified retired law enforcement officer to verify that the officer is a federal criminal investigator or qualified retired law enforcement officer, as appropriate. The bill makes nonsubstantive changes.

## **EFFECTIVE DATE**

September 1, 2011.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 242 omits a provision included in the original providing that the meaning of an "honorably retired peace officer," for purposes of provisions of law relating to peace officer identification cards, includes a qualified retired law enforcement officer as defined by federal law. The substitute omits a provision included in the original requiring a law enforcement agency or other governmental entity that was the last entity to appoint or employ an honorably retired peace officer as a peace officer to issue an identification card to its honorably retired peace officers.

C.S.H.B. 242 contains a provision not included in the original authorizing certain qualified retired law enforcement officers to demonstrate weapons proficiency by submitting to a state or local law enforcement agency a sworn affidavit stating, among other facts, that the officer, before completing 15 years of service as a commissioned officer with one or more state or local law enforcement agencies, separated from employment with the agency or agencies and is a qualified retired law enforcement officer as defined by federal law. The substitute differs from the original, in provisions exempting an honorably retired peace officer or federal criminal investigator from unlawful weapon carry and weapon carry in prohibited place laws, by including a direct reference to a qualified retired law enforcement officer as an exempt officer, whereas the original includes a qualified retired law enforcement officer within the meaning of the term "honorably retired peace officer" as provided by reference to federal law. The substitute omits provisions included in the original referencing the meaning of an honorably retired peace officer as defined by the Government Code and a federal criminal investigator described by the Code of Criminal Procedure for purposes relating to the exemption. The substitute omits a provision included in the original repealing certain provisions of law relating to identification cards for certain retired peace officers.