

AN ACT

relating to the enforcement of public safety, including the privileges and duties of certain types of law enforcement officers.

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

SECTION 1. Section 411.023, Government Code, is amended by amending Subsection (b) and adding Subsection (g) to read as follows:

(b) A special ranger is subject to the orders of the commission and the governor for special duty to the same extent as other law enforcement officers provided for by this chapter, except that a special ranger may not enforce a law [~~except one designed to protect life and property and may not enforce a law~~] regulating the use of a state highway by a motor vehicle. A special ranger is not connected with a ranger company or uniformed unit of the department.

(g) The commission may call special rangers into service to:

(1) preserve the peace and protect life and property;

(2) conduct background investigations;

(3) monitor sex offenders;

(4) serve as part of two-officer units on patrol in high threat areas;

(5) provide assistance to the department during disasters; and

(6) investigate instances of reckless driving.

1 SECTION 2. Section 411.024, Government Code, is amended by
2 amending Subsection (b) and adding Subsection (g) to read as
3 follows:

4 (b) A special Texas Ranger is subject to the orders of the
5 commission and the governor for special duty to the same extent as
6 other law enforcement officers provided for by this chapter, except
7 that a special Texas Ranger may not enforce a law [~~except one~~
8 ~~designed to protect life and property and may not enforce a law~~]
9 regulating the use of a state highway by a motor vehicle. A special
10 Texas Ranger is not connected with a ranger company or uniformed
11 unit of the department.

12 (g) The commission may call special Texas Rangers into
13 service to:

- 14 (1) preserve the peace and protect life and property;
15 (2) conduct background investigations;
16 (3) monitor sex offenders;
17 (4) serve as part of two-officer units on patrol in
18 high threat areas;
19 (5) provide assistance to the department during
20 disasters; and
21 (6) investigate instances of reckless driving.

22 SECTION 3. Subchapter H, Chapter 411, Government Code, is
23 amended by adding Section 411.1992 to read as follows:

24 Sec. 411.1992. FORMER RESERVE LAW ENFORCEMENT OFFICERS.

25 (a) A person who served as a reserve law enforcement officer, as
26 defined by Section 1701.001, Occupations Code, not less than a
27 total of 15 years with a state or local law enforcement agency may

1 apply for a license under this subchapter at any time.

2 (b) The applicant shall submit to the department two
3 complete sets of legible and classifiable fingerprints and a sworn
4 statement from the head of the law enforcement agency at which the
5 applicant last served as a reserve law enforcement officer. A head
6 of a law enforcement agency may not refuse to issue a statement
7 under this subsection. If the applicant alleges that the statement
8 is untrue, the department shall investigate the validity of the
9 statement. The statement must include:

10 (1) the name and rank of the applicant;

11 (2) the status of the applicant;

12 (3) whether the applicant was accused of misconduct at
13 any time during the applicant's term of service and the disposition
14 of that accusation;

15 (4) a description of the physical and mental condition
16 of the applicant;

17 (5) a list of the types of weapons the applicant
18 demonstrated proficiency with during the applicant's term of
19 service; and

20 (6) a recommendation from the agency head regarding
21 the issuance of a license under this subchapter.

22 (c) The department may issue a license under this subchapter
23 to an applicant under this section if the applicant was a reserve
24 law enforcement officer for not less than a total of 15 years with a
25 state or local law enforcement agency and is physically and
26 emotionally fit to possess a handgun.

27 (d) An applicant under this section must pay a fee of \$25 for

1 a license issued under this subchapter.

2 (e) A former reserve law enforcement officer who obtains a
3 license as provided by this section must maintain, for the category
4 of weapon licensed, the proficiency required for the person under
5 Section 1701.357, Occupations Code. The department or the local
6 law enforcement agency at which the person last served as a reserve
7 law enforcement officer shall allow the person an opportunity to
8 annually demonstrate the required proficiency. The proficiency
9 shall be reported to the department on application and renewal.

10 (f) A license issued under this section expires as provided
11 by Section 411.183.

12 SECTION 4. The heading to Section 1701.357, Occupations
13 Code, is amended to read as follows:

14 Sec. 1701.357. WEAPONS PROFICIENCY FOR CERTAIN RETIRED
15 PEACE OFFICERS AND FEDERAL LAW ENFORCEMENT OFFICERS AND FOR FORMER
16 RESERVE LAW ENFORCEMENT OFFICERS.

17 SECTION 5. Section 1701.357, Occupations Code, is amended
18 by amending Subsections (a), (b), (c), and (d) and adding
19 Subsections (b-1), (c-1), and (j) to read as follows:

20 (a) This section applies only to:

21 (1) a peace officer;

22 (2) a federal criminal investigator designated as a
23 special investigator under Article 2.122, Code of Criminal
24 Procedure; ~~and~~

25 (3) a qualified retired law enforcement officer who is
26 entitled to carry a concealed firearm under 18 U.S.C. Section 926C
27 and is not otherwise described by Subdivision (1) or (2); and

1 (4) a former reserve law enforcement officer who
2 served in that capacity not less than a total of 15 years with a
3 state or local law enforcement agency.

4 (b) The head of a state or local law enforcement agency may
5 allow an honorably retired peace officer an opportunity to
6 demonstrate weapons proficiency if the retired officer provides to
7 the agency a sworn affidavit stating that:

8 (1) the officer:

9 (A) honorably retired after not less than a total
10 of 15 years of service as a commissioned officer with one or more
11 state or local law enforcement agencies; or

12 (B) before completing 15 years of service as a
13 commissioned officer with a state or local law enforcement agency,
14 separated from employment with the agency or agencies and is a
15 qualified retired law enforcement officer, as defined by 18 U.S.C.
16 Section 926C;

17 (2) the officer's license as a commissioned officer
18 was not revoked or suspended for any period during the officer's
19 term of service as a commissioned officer; and

20 (3) the officer has no psychological or physical
21 disability that would interfere with the officer's proper handling
22 of a handgun.

23 (b-1) The head of a state or local law enforcement agency
24 may allow a person who served as a reserve law enforcement officer
25 as described by Subsection (a)(4) an opportunity to demonstrate
26 weapons proficiency if the person provides to the agency a sworn
27 affidavit stating that:

1 (1) the person served not less than a total of 15 years
2 as a reserve law enforcement officer with a state or local law
3 enforcement agency;

4 (2) the person's appointment as a reserve law
5 enforcement officer was not revoked or suspended for any period
6 during the person's term of service; and

7 (3) the person has no psychological or physical
8 disability that would interfere with the person's proper handling
9 of a handgun.

10 (c) The agency shall establish written procedures for the
11 issuance or denial of a certificate of proficiency under this
12 section. The agency shall issue the certificate to a retired
13 officer who satisfactorily demonstrates weapons proficiency under
14 Subsection (b), provides proof that the officer is entitled to
15 receive a pension or annuity for service with a state or local law
16 enforcement agency or is not entitled to receive a pension or
17 annuity only because the law enforcement agency that employed the
18 retired officer does not offer a pension or annuity to its retired
19 employees, and satisfies the written procedures established by the
20 agency. The agency shall issue the certificate to a person
21 described by Subsection (a)(4) who satisfactorily demonstrates
22 weapons proficiency under Subsection (b-1). The agency shall
23 maintain records of any person [~~retired officer~~] who holds a
24 certificate issued under this section.

25 (c-1) For purposes of Subsection (c) [this subsection],
26 proof that a retired officer is entitled to receive a pension or
27 annuity or is not entitled to receive a pension or annuity only

1 because the agency that last employed the retired officer does not
2 offer a pension or annuity may include a retired peace officer
3 identification card issued under Subchapter H, Chapter 614,
4 Government Code.

5 (d) A certificate issued under this section expires on the
6 second anniversary of the date the certificate was issued. A
7 person [~~retired officer~~] to whom this section applies may request
8 an annual evaluation of weapons proficiency and issuance of a
9 certificate of proficiency as needed to comply with applicable
10 federal or other laws.

11 (j) On request of a person described by Subsection (a)(4)
12 who holds a certificate of proficiency under this section, the head
13 of the state or local law enforcement agency at which the person
14 last served as a reserve law enforcement officer shall issue to the
15 person identification that indicates the person's status. An
16 identification under this subsection must include a photograph of
17 the person.

18 SECTION 6. Section 46.15(a), Penal Code, is amended to read
19 as follows:

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

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

1 (2) parole officers and neither section prohibits an
2 officer from carrying a 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) in compliance with policies and procedures
6 adopted by the Texas Department of Criminal Justice regarding the
7 possession of a weapon by an officer while on duty;

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

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

14 (B) authorized to carry a weapon under Section
15 76.0051, Government Code;

16 (4) a judge or justice of a federal court, the supreme
17 court, the court of criminal appeals, a court of appeals, a district
18 court, a criminal district court, a constitutional county court, a
19 statutory county court, a justice court, or a municipal court who is
20 licensed to carry a concealed handgun under Subchapter H, Chapter
21 411, Government Code;

22 (5) an honorably retired peace officer, qualified
23 retired law enforcement officer, [~~or~~] federal criminal
24 investigator, or former reserve law enforcement officer who holds a
25 certificate of proficiency issued under Section 1701.357,
26 Occupations Code, and is carrying a photo identification that is
27 issued by a federal, state, or local law enforcement agency, as

1 applicable, and that [+

2 [~~(A)~~] verifies that the officer is:

3 (A) an honorably retired peace officer;

4 (B) a qualified retired law enforcement officer;

5 (C) a federal criminal investigator; or

6 (D) a former reserve law enforcement officer who

7 has served in that capacity not less than a total of 15 years with a

8 state or local law enforcement agency [~~after not less than 15 years~~

9 ~~of service as a commissioned officer; and~~

10 [~~(B) is issued by a state or local law~~

11 ~~enforcement agency];~~

12 (6) a district attorney, criminal district attorney,

13 county attorney, or municipal attorney who is licensed to carry a

14 concealed handgun under Subchapter H, Chapter 411, Government Code;

15 (7) an assistant district attorney, assistant

16 criminal district attorney, or assistant county attorney who is

17 licensed to carry a concealed handgun under Subchapter H, Chapter

18 411, Government Code;

19 (8) a bailiff designated by an active judicial officer

20 as defined by Section 411.201, Government Code, who is:

21 (A) licensed to carry a concealed handgun under

22 Chapter 411, Government Code; and

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

24 (9) a juvenile probation officer who is authorized to

25 carry a firearm under Section 142.006, Human Resources Code.

26 SECTION 7. Section 545.401, Transportation Code, is amended

27 by amending Subsection (b) and adding Subsections (e), (f), (g),

1 and (h) to read as follows:

2 (b) Except as provided by Subsection (e), an [An] offense
3 under this section is a misdemeanor punishable by:

4 (1) a fine not to exceed \$200;

5 (2) confinement in county jail for not more than 30
6 days; or

7 (3) both the fine and the confinement.

8 (e) If an offense under this section results in the serious
9 bodily injury or death of an operator or passenger of another motor
10 vehicle, the offense is a Class B misdemeanor.

11 (f) The court may:

12 (1) order that the driver's license of a person
13 convicted of an offense under Subsection (e) be suspended for not
14 less than 30 days beginning on the date of conviction; and

15 (2) require the person to attend and present proof
16 that the person successfully completed a driving safety course
17 approved under Chapter 1001, Education Code, before the person's
18 driver's license may be reinstated.

19 (g) A judge, acting under Article 42.12, Code of Criminal
20 Procedure, who elects to place a defendant charged with an offense
21 under this section on community supervision under that article may
22 require the defendant to attend and present proof that the
23 defendant successfully completed a driving safety course approved
24 under Chapter 1001, Education Code.

25 (h) A person who is subject to prosecution under both this
26 section and another section of this or any other code may be
27 prosecuted under either or both sections.

1 SECTION 8. Section 545.425(a), Transportation Code, is
2 amended by adding Subdivision (1-a) to read as follows:

3 (1-a) "Text-based communication" means a
4 communication that is designed or intended to be transmitted
5 between wireless communication devices for the purpose of manually
6 communicating in a nonspoken manner with another person in a
7 written medium. The term includes:

8 (A) a text message;

9 (B) an instant message; and

10 (C) e-mail.

11 SECTION 9. Section 545.425, Transportation Code, is amended
12 by amending Subsection (b-1) and adding Subsections (c-1) and (c-2)
13 to read as follows:

14 (b-1) A municipality, county, or other political
15 subdivision that enforces Subsection (b) [~~this section~~] shall post
16 a sign that complies with the standards described by this
17 subsection at the entrance to each school crossing zone in the
18 municipality, county, or other political subdivision. The
19 department shall adopt standards that:

20 (1) allow for a sign required to be posted under this
21 subsection to be attached to an existing sign at a minimal cost; and

22 (2) require that a sign required to be posted under
23 this subsection inform an operator that:

24 (A) the use of a wireless communication device is
25 prohibited in the school crossing zone; and

26 (B) the operator is subject to a fine if the
27 operator uses a wireless communication device in the school

1 crossing zone.

2 (c-1) An operator may not use a hand-held wireless
3 communication device to read, write, or send a text-based
4 communication while operating a motor vehicle unless the vehicle is
5 stopped.

6 (c-2) An operator is not subject to prosecution under
7 Subsection (c-1) if:

8 (1) the operator uses a hand-held wireless
9 communication device:

10 (A) to read, select, or enter a telephone number
11 or name for the purpose of making a telephone call;

12 (B) in conjunction with voice-operated
13 technology or a hands-free device; or

14 (C) to navigate using a global positioning
15 system; or

16 (2) the hand-held wireless communication device:

17 (A) is used by the operator to relay information
18 between the operator and a dispatcher in the course of the
19 operator's occupational duties; and

20 (B) is affixed to the vehicle.

21 SECTION 10. The changes in law made by this Act in amending
22 Section 46.15, Penal Code, and Section 545.401, Transportation
23 Code, apply only to an offense committed on or after the effective
24 date of this Act. An offense committed before the effective date of
25 this Act is governed by the law in effect on the date the offense was
26 committed, and the former law is continued in effect for that
27 purpose. For purposes of this section, an offense was committed

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1 before the effective date of this Act if any element of the offense
2 occurred before that date.

3 SECTION 11. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 242 was passed by the House on May 12, 2011, by the following vote: Yeas 143, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 242 on May 27, 2011, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 242 on May 29, 2011, by the following vote: Yeas 80, Nays 61, 4 present, not voting.

Chief Clerk of the House

H.B. No. 242

I certify that H.B. No. 242 was passed by the Senate, with amendments, on May 25, 2011, by the following vote: Yeas 28, Nays 3; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 242 on May 29, 2011, by the following vote: Yeas 28, Nays 3.

Secretary of the Senate

APPROVED: _____

Date

Governor