

By: Craddick

H.B. No. 242

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the authority of certain retired peace officers to  
3 carry certain firearms.

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

5 SECTION 1. Section 614.121, Government Code, as added by  
6 Chapter 938 (H.B. 3613), Acts of the 80th Legislature, Regular  
7 Session, 2007, is amended to read as follows:

8 Sec. 614.121. DEFINITIONS. (a) In this subchapter:

9 (1) "Full-time peace officer" means a person elected,  
10 employed, or appointed as a peace officer under Article 2.12, Code  
11 of Criminal Procedure, or other law, who:

12 (A) works as a peace officer on average at least  
13 32 hours per week, exclusive of paid vacation; and

14 (B) is compensated by this state or a political  
15 subdivision of this state at least at the federal minimum wage and  
16 is entitled to all employee benefits offered to a peace officer by  
17 the state or political subdivision.

18 (2) "Honorably retired peace officer" means a former  
19 peace officer who:

20 (A) previously served but is not currently  
21 serving as an elected, appointed, or employed peace officer under  
22 Article 2.12, Code of Criminal Procedure, or other law;

23 (B) did not retire in lieu of any disciplinary  
24 action;

1 (C) was eligible to retire from a law enforcement  
2 agency in this state or was ineligible to retire only as a result of  
3 an injury received in the course of the officer's employment with  
4 the agency; and

5 (D) is eligible to receive a pension or annuity  
6 for service as a law enforcement officer in this state or is  
7 ineligible to receive a pension or annuity only because the law  
8 enforcement agency that employed the officer does not offer a  
9 pension or annuity to its employees.

10 (3) "Part-time peace officer" means a person elected,  
11 employed, or appointed as a peace officer under Article 2.12, Code  
12 of Criminal Procedure, or other law, who:

13 (A) works as a peace officer on average less than  
14 32 hours per week, exclusive of paid vacation; and

15 (B) is compensated by this state or a political  
16 subdivision of this state at least at the federal minimum wage and  
17 is entitled to all employee benefits offered to a peace officer by  
18 the state or political subdivision.

19 (4) "Reserve law enforcement officer" has the meaning  
20 assigned by Section 1701.001, Occupations Code.

21 (b) In this subchapter, "honorably retired peace officer"  
22 includes a qualified retired law enforcement officer, as defined by  
23 18 U.S.C. Section 926C, who is not otherwise described by  
24 Subsection (a)(2).

25 SECTION 2. Section 614.124(a), Government Code, as added by  
26 Chapter 938 (H.B. 3613), Acts of the 80th Legislature, Regular  
27 Session, 2007, is amended to read as follows:

1           (a) The law enforcement agency or other governmental entity  
2 that was the last entity to appoint or employ an honorably retired  
3 peace officer as a peace officer shall [~~may~~] issue an  
4 identification card to its honorably retired peace officers.

5           SECTION 3. Section 46.15(a), Penal Code, is amended to read  
6 as follows:

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

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

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

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

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

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

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

1 (B) authorized to carry a weapon under Section  
2 76.0051, Government Code;

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

9 (5) an honorably retired peace officer or federal  
10 criminal investigator who holds a certificate of proficiency issued  
11 under Section 1701.357, Occupations Code, and is carrying a photo  
12 identification that is issued by a federal, state, or local law  
13 enforcement agency, as applicable, and that [+

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

15 (A) an honorably retired peace officer, as  
16 defined by Section 614.121, Government Code; or

17 (B) a federal criminal investigator described by  
18 Article 2.122, Code of Criminal Procedure [~~after not less than 15~~  
19 ~~years of service as a commissioned officer, and~~

20 [~~(B) is issued by a state or local law~~  
21 ~~enforcement 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 (7) an assistant district attorney, assistant  
26 criminal district attorney, or assistant county attorney who is  
27 licensed to carry a concealed handgun under Subchapter H, Chapter

1 411, Government Code;

2 (8) a bailiff designated by an active judicial officer  
3 as defined by Section 411.201, Government Code, who is:

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

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

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

9 SECTION 4. Subchapter H, Chapter 614, Government Code, as  
10 added by Chapter 1187 (H.B. 638), Acts of the 80th Legislature,  
11 Regular Session, 2007, is repealed.

12 SECTION 5. The change in law made by this Act to Section  
13 46.15, Penal Code, applies only to an offense committed on or after  
14 the effective date of this Act. An offense committed before the  
15 effective date of this Act is governed by the law in effect when the  
16 offense was committed, and the former law is continued in effect for  
17 that purpose. For purposes of this section, an offense was  
18 committed before the effective date of this Act if any element of  
19 the offense occurred before that date.

20 SECTION 6. This Act takes effect September 1, 2011.