

BILL ANALYSIS

H.B. 3370
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Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law exempts honorably retired peace officers and federal criminal investigators who hold a weapons proficiency certificate and photo identification card issued by a state or local law enforcement agency in accordance with certain requirements from the offenses of unlawful carrying of a weapon and possessing or going with a weapon in a place where weapons are prohibited. These officers may demonstrate weapons proficiency by submitting an affidavit that includes, among other facts, that the officer honorably retired after not less than a total of 15 years of service as a commissioned officer with one or more state or local law enforcement agencies. Critics assert that legislative action is necessary to ensure that certain retired law enforcement 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 have the opportunity to demonstrate weapons proficiency to carry a firearm in the same manner as other honorably retired peace officers in Texas. H.B. 3370 seeks to extend the ability to demonstrate weapons proficiency and qualify for the exemption to certain retired law enforcement officers as defined under federal law who have less than the prescribed period of service.

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

H.B. 3370 amends the Occupations Code to add the option for an honorably retired peace officer, in providing a sworn affidavit to a law enforcement agency to demonstrate weapons proficiency, to have the affidavit state that before completing 15 years of service as a commissioned officer with one or more state or local law enforcement agencies, the officer separated from employment with the agency or agencies and is a qualified retired law enforcement officer as defined by federal law, as an alternative to stating that the officer honorably retired after not less than a total of 15 years of service in that capacity.

H.B. 3370 amends the Penal Code to include a qualified retired law enforcement officer in the exemption for certain honorably retired peace officers from the offenses of unlawful carrying of a weapon and possessing or going with a weapon in a place where weapons are prohibited.

EFFECTIVE DATE

September 1, 2013.