

By: Craddick

H.B. No. 3370

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain retired peace officers to carry certain firearms.

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

SECTION 1. Section 1701.357(b), Occupations Code, is amended to read as follows:

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

(1) the officer:

(A) 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; or

(B) 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 18 U.S.C. Section 926C;

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

(3) the officer has no psychological or physical disability that would interfere with the officer's proper handling

1 of a handgun.

2 SECTION 2. Section 46.15(a), Penal Code, is amended to read  
3 as follows:

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

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

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

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

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

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

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

25 (B) authorized to carry a weapon under Section  
26 76.0051, Government Code;

27 (4) an active judicial officer as defined by Section

1 411.201, Government Code, who is licensed to carry a concealed  
2 handgun under Subchapter H, Chapter 411, Government Code;

3 (5) an honorably retired peace officer, a qualified  
4 retired law enforcement officer, or a federal criminal investigator  
5 who holds a certificate of proficiency issued under Section  
6 1701.357, Occupations Code, and is carrying a photo identification  
7 that is issued by a federal, state, or local law enforcement agency,  
8 as applicable, and that[-

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

10 (A) an honorably retired peace officer;

11 (B) a qualified retired law enforcement officer;

12 or

13 (C) a federal criminal investigator [~~after not~~  
14 ~~less than 15 years of service as a commissioned officer, and~~

15 [~~(B) is issued by a state or local law~~  
16 ~~enforcement agency~~];

17 (6) a district attorney, criminal district attorney,  
18 county attorney, or municipal attorney who is licensed to carry a  
19 concealed handgun under Subchapter H, Chapter 411, Government Code;

20 (7) an assistant district attorney, assistant  
21 criminal district attorney, or assistant county attorney who is  
22 licensed to carry a concealed handgun under Subchapter H, Chapter  
23 411, Government Code;

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

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

1                   (B) engaged in escorting the judicial officer; or  
2                   (9) a juvenile probation officer who is authorized to  
3 carry a firearm under Section 142.006, Human Resources Code.

4           SECTION 3. The change in law made by this Act to Section  
5 46.15, Penal Code, applies only to an offense committed on or after  
6 the effective date of this Act. An offense committed before the  
7 effective date of this Act is governed by the law in effect on the  
8 date the offense was committed, and the former law is continued in  
9 effect for that purpose. For purposes of this section, an offense  
10 was committed before the effective date of this Act if any element  
11 of the offense occurred before that date.

12           SECTION 4. This Act takes effect September 1, 2013.