

By: Simmons, Flynn

H.B. No. 1285

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain personal protection officers to carry certain weapons.

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

SECTION 1. Sections 46.15(a) and (b), Penal Code, are amended to read as follows:

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

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

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

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

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

(3) community supervision and corrections department officers appointed or employed under Section 76.004, Government Code, and neither section prohibits an officer from carrying a

1 weapon in this state if the officer is:

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

4 (B) authorized to carry a weapon under Section
5 76.0051, Government Code;

6 (4) an active judicial officer as defined by Section
7 411.201, Government Code, who is licensed to carry a concealed
8 handgun under Subchapter H, Chapter 411, Government Code;

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

16 (A) an honorably retired peace officer;

17 (B) a qualified retired law enforcement officer;

18 (C) a federal criminal investigator; or

19 (D) a former reserve law enforcement officer who
20 has served in that capacity not less than a total of 15 years with
21 one or more state or local law enforcement agencies;

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;
7 [~~or~~]

8 (9) a juvenile probation officer who is authorized to
9 carry a firearm under Section [142.006](#), Human Resources Code; or

10 (10) a person who acts as a personal protection
11 officer and carries the person's security officer commission and
12 personal protection officer authorization, if the person:

13 (A) is engaged in the performance of the person's
14 duties as a personal protection officer under Chapter 1702,
15 Occupations Code, or is traveling to or from the person's place of
16 assignment; and

17 (B) is either:

18 (i) wearing the uniform of a security
19 officer, including any uniform or apparel described by Section
20 [1702.323](#)(d), Occupations Code, and carrying the officer's weapon in
21 plain view; or

22 (ii) not wearing the uniform of a security
23 officer and carrying the officer's weapon in a concealed manner.

24 (b) Section [46.02](#) does not apply to a person who:

25 (1) is in the actual discharge of official duties as a
26 member of the armed forces or state military forces as defined by
27 Section [437.001](#), Government Code, or as a guard employed by a penal

1 institution;

2 (2) is traveling;

3 (3) is engaging in lawful hunting, fishing, or other
4 sporting activity on the immediate premises where the activity is
5 conducted, or is en route between the premises and the actor's
6 residence, motor vehicle, or watercraft, if the weapon is a type
7 commonly used in the activity;

8 (4) holds a security officer commission issued by the
9 Texas Private Security Board, if the person is engaged in the
10 performance of the person's duties as an officer commissioned under
11 Chapter 1702, Occupations Code, or is traveling to or from the
12 person's place of assignment and is wearing the officer's uniform
13 and carrying the officer's weapon in plain view;

14 (5) ~~[acts as a personal protection officer and carries~~
15 ~~the person's security officer commission and personal protection~~
16 ~~officer authorization, if the person:~~

17 ~~[(A) is engaged in the performance of the~~
18 ~~person's duties as a personal protection officer under Chapter~~
19 ~~1702, Occupations Code, or is traveling to or from the person's~~
20 ~~place of assignment, and~~

21 ~~[(B) is either:~~

22 ~~[(i) wearing the uniform of a security~~
23 ~~officer, including any uniform or apparel described by Section~~
24 ~~1702.323(d), Occupations Code, and carrying the officer's weapon in~~
25 ~~plain view; or~~

26 ~~[(ii) not wearing the uniform of a security~~
27 ~~officer and carrying the officer's weapon in a concealed manner;~~

1 ~~(6)~~ is carrying a concealed handgun and a valid
2 license issued under Subchapter H, Chapter 411, Government Code, to
3 carry a concealed handgun;

4 (6) ~~(7)~~ holds an alcoholic beverage permit or
5 license or is an employee of a holder of an alcoholic beverage
6 permit or license if the person is supervising the operation of the
7 permitted or licensed premises; or

8 (7) ~~(8)~~ is a student in a law enforcement class
9 engaging in an activity required as part of the class, if the weapon
10 is a type commonly used in the activity and the person is:

11 (A) on the immediate premises where the activity
12 is conducted; or

13 (B) en route between those premises and the
14 person's residence and is carrying the weapon unloaded.

15 SECTION 2. The change in law made by this Act applies only
16 to an offense committed on or after the effective date of this Act.
17 An offense committed before the effective date of this Act is
18 governed by the law in effect on the date the offense was committed,
19 and the former law is continued in effect for that purpose. For
20 purposes of this section, an offense was committed before the
21 effective date of this Act if any element of the offense occurred
22 before that date.

23 SECTION 3. This Act takes effect September 1, 2015.