

By: Miller of Comal

H.B. No. 2135

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the purchasing of a firearm of an honorably retired or  
3 deceased peace officer.

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

5 SECTION 1. The heading to Subchapter D, Chapter 614,  
6 Government Code, is amended to read as follows:

7 SUBCHAPTER D. PURCHASE OF [~~AGENCY-ISSUED~~] FIREARM OF HONORABLY  
8 RETIRED OR DECEASED PEACE OFFICER

9 SECTION 2. Subchapter D, Chapter 614, Government Code, is  
10 amended by adding Section 614.0505 to read as follows:

11 Sec. 614.0505. DEFINITION. In this subchapter,  
12 "governmental entity" means a state agency, a county, or a  
13 municipality.

14 SECTION 3. Section 614.051, Government Code, is amended to  
15 read as follows:

16 Sec. 614.051. PURCHASE OF FIREARM BY HONORABLY RETIRED  
17 PEACE OFFICER. (a) An individual may purchase a firearm from a  
18 governmental entity [~~state agency~~] if:

19 (1) the individual was a peace officer commissioned by  
20 the entity [~~agency~~];

21 (2) the individual was honorably retired from the  
22 individual's commission by the entity [~~state~~];

23 (3) the firearm had been previously issued to the  
24 individual by the entity [~~agency~~]; and

1 (4) the firearm is not a prohibited weapon under  
2 Section 46.05, Penal Code.

3 (b) An individual may purchase only one firearm from a  
4 governmental entity [~~state agency~~] under this section.

5 SECTION 4. Section 614.052(a), Government Code, is amended  
6 to read as follows:

7 (a) An individual listed under Subsection (b) may purchase a  
8 firearm from a governmental entity [~~state agency~~] if:

9 (1) the firearm had been previously issued by the  
10 entity [~~agency~~] to a peace officer commissioned by the entity  
11 [~~agency~~] who died while commissioned, without regard to whether the  
12 officer died while discharging the officer's official duties; and

13 (2) the firearm is not a prohibited weapon under  
14 Section 46.05, Penal Code.

15 SECTION 5. Section 614.053, Government Code, is amended to  
16 read as follows:

17 Sec. 614.053. PURCHASE PRICE OF FIREARM. A governmental  
18 entity [~~state agency~~] shall establish the amount, which may not  
19 exceed fair market value, for which a firearm may be purchased under  
20 this subchapter.

21 SECTION 6. The heading to Section 614.054, Government Code,  
22 is amended to read as follows:

23 Sec. 614.054. WHEN FIREARM MAY BE PURCHASED [~~FROM STATE~~  
24 ~~AGENCY~~]; DELAY OF SALE BY GOVERNMENTAL ENTITY [~~AGENCY~~].

25 SECTION 7. Section 614.054(b), Government Code, is amended  
26 to read as follows:

27 (b) A governmental entity [~~state agency~~] that cannot

1 immediately replace the firearm may delay the sale of the firearm  
2 until the entity [~~agency~~] can replace the firearm.

3 SECTION 8. Section 170.002, Local Government Code, is  
4 repealed.

5 SECTION 9. This Act takes effect September 1, 2015.