

SENATE AMENDMENTS

2nd Printing

By: Miller of Comal

H.B. No. 2135

A BILL TO BE ENTITLED

AN ACT

relating to the purchasing of a firearm of an honorably retired or deceased peace officer.

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

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

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

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

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

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

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

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

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

(3) the firearm had been previously issued to the 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

H.B. No. 2135

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.

ADOPTED

MAY 22 2015

Letty Spaw
Secretary of the Senate

H.B. No. 2135

By: *Philip Norton*

Substitute the following for H.B. No. 2135:

By: *Philip Norton*

C.S.H.B. No. 2135

A BILL TO BE ENTITLED

AN ACT

relating to the purchasing of a firearm of an honorably retired or deceased peace officer.

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

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

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

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

Sec. 614.0505. DEFINITION. In this subchapter, "governmental entity" means a state agency, a county, a municipality, or a joint board for which the constituent agencies are populous home-rule municipalities.

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

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

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

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

(3) the firearm had been previously issued to the

1 individual by the entity [~~agency~~]; and

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

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

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

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

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

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

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

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

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

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

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

1 (b) A governmental entity [~~state—agency~~] that cannot
2 immediately replace the firearm may delay the sale of the firearm
3 until the entity [~~agency~~] can replace the firearm.

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

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 22, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2135 by Miller, Doug (Relating to the purchasing of a firearm of an honorably retired or deceased peace officer.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to permit certain individuals to purchase a firearm from governmental entities. The governmental entity would be required to set the purchasing amount not to exceed fair market value. The bill would repeal Section 170.002, Local Government Code.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, KJo, ESi, SD, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 20, 2015

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2135 by Miller, Doug (relating to the purchasing of a firearm of an honorably retired or deceased peace officer.), **Committee Report 2nd House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
--

The bill would amend the Government Code to permit certain individuals to purchase a firearm from governmental entities. The governmental entity would be required to set the purchasing amount not to exceed fair market value. The bill would repeal Section 170.002, Local Government Code.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, KJo, ESi, SD, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 18, 2015

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2135 by Miller, Doug (Relating to the purchasing of a firearm of an honorably retired or deceased peace officer.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to permit certain individuals to purchase a firearm from governmental entities. The governmental entity would be required to set the purchasing amount not to exceed fair market value. The bill would repeal Section 170.002, Local Government Code.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, KJo, ESi, SD, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 23, 2015

TO: Honorable Larry Phillips, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2135 by Miller, Doug (Relating to the purchasing of a firearm of an honorably retired or deceased peace officer.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to permit certain individuals to purchase a firearm from governmental entities. The governmental entity would be required to set the purchasing amount not to exceed fair market value. The bill would repeal Section 170.002, Local Government Code.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, ESi, SD, EK