

BILL ANALYSIS

S.B. 198
By: Nelson
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that unnecessary logistical hurdles make it difficult for certain retired law enforcement officers in Texas to take the steps needed to obtain an annual certificate of proficiency from the Texas Commission on Law Enforcement. S.B. 198 seeks to provide a more convenient way for qualified retired law enforcement officers to demonstrate weapons proficiency by allowing these officers to demonstrate proficiency to any qualified handgun instructor, under certain conditions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

S.B. 198 amends the Occupations Code to require the Texas Commission on Law Enforcement (TCOLE) to issue a certificate of weapons proficiency to a qualified retired law enforcement officer who does the following:

- satisfactorily demonstrates weapons proficiency to a qualified handgun instructor;
- provides to TCOLE a sworn affidavit stating that:
 - the officer meets the requirements for a qualified retired law enforcement officer under federal law;
 - the officer's license as a qualified law enforcement officer was not revoked or suspended for any period during the officer's term of service; and
 - the officer has no psychological or physical disability that would interfere with the officer's proper handling of a handgun; and
- otherwise satisfies the applicable procedures established by TCOLE.

TCOLE must maintain records of any person who holds a certificate issued pursuant to this authorization.

S.B. 198 authorizes a qualified handgun instructor to allow any qualified retired law enforcement officer an opportunity to demonstrate weapons proficiency if the officer provides to the instructor a copy of the sworn affidavit and authorizes the instructor to collect a reasonable fee for the purpose of evaluating a demonstration of weapons proficiency. The bill requires TCOLE to establish written procedures and forms for the instructors regarding the manner in which demonstrations are conducted and the communication of demonstration results to TCOLE and for the issuance or denial of certificates of proficiency to qualified retired law enforcement officers.

EFFECTIVE DATE

September 1, 2021.