

BILL ANALYSIS

Senate Research Center
77R12573 JMC-D

C.S.S.B. 1312
By: Staples
Criminal Justice
4/26/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, retired peace officers cannot carry a weapon without a concealed carry license. C.S.S.B. 1312 allows certain honorably retired peace officers, under certain conditions, to carry a weapon.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 1701H, Occupations Code, by adding Section 1701.357, as follows:

Sec. 1701.357. WEAPONS PROFICIENCY FOR CERTAIN RETIRED PEACE OFFICERS. (a) Provides that this section applies only to a peace officer designated as a peace officer under Article 2.12(1), (2), (3), or (10), Code of Criminal Procedure.

(b) Authorizes a state or local law enforcement agency to allow an honorably retired peace officer to whom this section applies an opportunity to demonstrate annually weapons proficiency if the retired officer provides to the agency a sworn affidavit stating certain information.

(c) Requires the agency to issue a certificate of proficiency to a retired officer who satisfactorily demonstrates weapons proficiency under Subsection (b). Requires the department or agency to maintain records of any retired officer who holds a certificate issued under this section.

(d) Provides that a certificate issued under this section expires on the first anniversary of the date the certificate was issued.

(e) Authorizes a state or local law enforcement agency to set and collect fees to recover the expenses the agency incurs in performing duties under this section.

SECTION 2. Amends Section 46.15(a), Penal Code, to provide that Sections 46.02 and 46.03 do not apply to an honorably retired peace officer who holds a certificate of proficiency issued under Section 1701.357, Occupations Code, and is carrying a photo identification issued by the agency from which the officer retired verifying that the officer honorably retired after not less than 20 years of service as a commissioned officer.

SECTION 3. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Differs from the original by amending the relating clause.

Deletes previously proposed SECTION 1 and renumbers previously proposed SECTION 2 as SECTION 1 with the following changes.

SECTION 1. Differs from the original by amending previously proposed provisions regarding the certification of weapons proficiency for certain retired peace officers.

Deletes previously proposed SECTIONS 3 - 5 and adds a new SECTION 2.

Renumbers previously proposed SECTION 6 as SECTION 3 with no change.