

## **BILL ANALYSIS**

Senate Research Center  
82R4464 MAW-D

H.B. 242  
By: Craddick, Torres (Hegar)  
Criminal Justice  
5/19/2011  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, there is a conflict between state and federal law as to whether a federal law enforcement officer with less than 15 years of service who retired in good standing due to a service-connected disability may demonstrate weapons proficiency, which if passed, entitles the individual, provided he or she is otherwise eligible, to carry a concealed handgun without a concealed handgun license. H.B. 242 removes that conflict by specifying that a federal law enforcement officer with less than 15 years of service who retired in good standing due to a service-connected disability may demonstrate weapons proficiency.

H.B. 242 amends current law relating to the authority of certain retired peace officers to carry certain firearms.

### **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 Section 1701.357(b), Occupations Code, as follows:

(b) Authorizes the head of a state or local law enforcement agency to allow an honorably retired peace officer an opportunity to demonstrate weapons proficiency if the retired officer provides to the agency a sworn affidavit stating that:

(1) the officer:

(A) honorably retired after not less than a total of 15 years of service as a commissioned officer with one or more state or local law enforcement agencies; or

(B) before completing 15 years of service as a commissioned officer with one or more state or local law enforcement agencies, separated from employment with the agency or agencies and is a qualified retired law enforcement officer, as defined by 18 U.S.C. Section 926C; and

(2)-(3) Makes no changes to these subdivisions.

SECTION 2. Amends Section 46.15(a), Penal Code, as follows:

(a) Provides that Sections 46.02 (Unlawful Carrying Weapons) and 46.03 (Places Weapons Prohibited) do not apply to:

(1)-(4) Makes no changes to these subdivisions;

(5) an honorably retired peace officer, a qualified retired law enforcement officer, or a federal criminal investigator who holds a certificate of proficiency issued under Section 1701.357 (Weapons Proficiency for Certain Retired Peace Officers

and Law Enforcement Officers), Occupations Code, and is carrying a photo identification that is issued by a federal, state, or local law enforcement agency, as applicable, and that verifies that the officer is an honorably retired peace officer, a qualified retired law enforcement officer, or a federal criminal investigator. Deletes existing text relating to carrying photo identification that verifies that the officer honorably retired after not less than 15 years of service as a commissioned officer and is issued by a state or local law enforcement agency; and

(6)-(9) Makes no changes to these subdivisions.

SECTION 3. Provides that the change in law made by this Act to Section 46.15, Penal Code, applies only to an offense committed on or after the effective date of this Act. Provides that an offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. Effective date: September 1, 2011.