

SUBJECT: Permitting county jail guards to carry firearms

COMMITTEE: Public Safety — favorable, without amendment

VOTE: 7 ayes — Merritt, Frost, Burnam, Driver, P. King, Rodriguez, Vo
0 nays
2 absent — Lewis, Mallory Caraway

WITNESSES: None

BACKGROUND: Penal Code, sec. 46.15 (a) exempts peace officers, parole officers, judges, retired peace officers, prosecutors, assistant prosecutors, and some bailiffs from Penal Code, secs. 46.02 and 46.03 prohibitions against carrying weapons illegally.

DIGEST: HB 2791 would amend Penal Code, sec. 46.15 (a) to exempt a county jail guard from Penal Code, secs. 46.02 and 46.03 if the guard was:

- engaged in discharge of official duties while carrying the weapon; and
- in compliance with sheriff's department or Texas Commission on Jail Standards policies and procedures on possession of a weapon while on duty or on the premises of the jail.

The bill would take effect on September 1, 2009.