

SUBJECT: Concealed handgun licenses for peace officers retired with disabilities

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 8 ayes — S. Miller, Fletcher, Beck, Burnam, Driver, Flynn, Peña, Walle
0 nays
1 absent — Mallory Caraway

WITNESSES: For — (*Registered, but did not testify*: Lon Craft, Texas Municipal Police Association; Bill Elkin, Houston Police Retired Officers Association; Melinda Griffith, Combined Law Enforcement Associations of Texas (CLEAT))

Against — None

On — (*Registered, but did not testify*: Timothy Braaten, TCLEOSE)

BACKGROUND: Penal Code, sec. 46.02 prohibits carrying a handgun, illegal knife, or club, and sec. 46.03 lists places where carrying firearms, illegal knives, clubs, or certain other weapons are prohibited.

Penal Code, sec. 46.15 provides that secs. 46.02 and 46.03 do not apply to certain categories of people, including an honorably retired peace officer or federal criminal investigator who holds a certificate of proficiency and carries photo identification to verify that the officer or investigator retired honorably after at least 15 years of service.

Occupations Code, sec. 1701.357 allows certain honorably retired peace officers (sheriffs and their deputies, constables and their deputies, city police and marshals, and Parks and Wildlife Commission law enforcement officers) and federal criminal investigators (agents of the Federal Bureau of Investigation and the Drug Enforcement Administration) to apply to take a weapons proficiency test. The officer or investigator must provide an affidavit stating that the officer:

- had retired honorably after at least 15 years of service;
- never had a license revoked or suspended during the term of service as a commissioned peace officer or investigator; and
- had no psychological or physical disability that would interfere with the officer's proper handling of a handgun.

18 U.S.C., sec. 926C, allows retired federal law enforcement officers who have retired with less than 15 years of service because of a service-connected disability to qualify for concealed handgun licenses.

DIGEST:

CSHB 242 would amend Penal Code, 46.15, to add peace officers who retired before 15 years of service because of a service-connected disability to the list of law enforcement officers, judges, and prosecutors eligible for concealed handgun licenses.

CSHB 242 would amend Occupations Code 1701.357 to allow such peace officers who retired before 15 years of service because of a service-connected disability to request a weapons proficiency test to qualify for a concealed handgun license.

The bill would take effect September 1, 2011.

NOTES:

The substitute differs from the original bill by adding provisions that would allow a peace officer who qualified under 18 U.S.C., sec. 926C to request an opportunity take a weapons proficiency test.