

**SUBJECT:** Concealed handgun licenses for qualified retired peace officers

**COMMITTEE:** Homeland Security and Public Safety — favorable without amendment

**VOTE:** 8 ayes — Pickett, Fletcher, Dale, Flynn, Kleinschmidt, Lavender, Sheets, Simmons  
0 nays  
1 absent — Cortez

**WITNESSES:** None

**BACKGROUND:** Penal Code, sec. 46.03 lists places where carrying firearms and certain other weapons are prohibited, including schools, polling places, a court, a secured area of an airport, among others. Under sec. 46.15, these prohibitions do not apply to certain categories of people, including honorably retired peace officers or federal criminal investigators who hold a certificate of proficiency and carry 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 and federal criminal investigators to apply to take a weapons proficiency test. The officer or investigator must provide an affidavit stating that the officer 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.

Under 18 U.S.C. § 926C, a qualified retired law enforcement officer includes someone who separated from service in good standing after an aggregate of 10 years or more or separated due to a service-connected disability.

**DIGEST:** HB 3370 would amend Penal Code, sec. 46.15, to add qualified retired law enforcement officers to those exempted from offenses involving the unlawful carrying of a weapon in a place where weapons were prohibited if they held a certificate of proficiency under Occupations Code, sec.

1701.357.

It also would amend Occupations Code, sec. 1701.357(b) to allow an honorably retired peace officer to demonstrate weapons proficiency if the officer provided a sworn affidavit stating that before completing 15 years as a commissioned officer with one or more state or local law enforcement agencies, the officer had separated from employment with the agency or agencies and was a qualified retired law enforcement officer as defined by federal standards.

The bill would take effect September 1, 2013.