

## **BILL ANALYSIS**

Senate Research Center  
81R3273 KSD-D

S.B. 417  
By: Carona  
Natural Resources  
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As Filed

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

All peace officers may carry weapons while on or off duty and most officers prefer to carry a weapon with which they are familiar, including the weapon they use in their role as peace officer. Currently, when a peace officer's service weapon is retired, it becomes a surplus item and is sold in the same way as other agency surplus items such as office furniture or motor vehicles.

In 1991, the 72nd Legislature passed legislation that gave the Department of Public Safety authority under Section 411.020 (Purchase of Firearm From Department by Officer), Government Code, to allow officers within that agency to purchase their retired service weapons. Commissioned employees of the Texas Parks and Wildlife Department (TPWD) who are also peace officers would like to be able to purchase their firearms upon the weapon's retirement.

In addition to making the weapon available to a TPWD officer who may want his or her weapon, it is also less costly from an administrative perspective for an officer to purchase his or her service weapon directly upon its retirement rather than placing the weapon into the agency's surplus system for sale.

As proposed, S.B. 417 authorizes the sale of certain retired firearms to a peace officer commissioned by the executive director of TPWD.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Parks and Wildlife Commission in SECTION 1 (Section 11.0193, Parks and Wildlife Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 11, Parks and Wildlife Code, by adding Section 11.0193, as follows:

Sec. 11.0193. PURCHASE OF FIREARM FROM DEPARTMENT BY COMMISSIONED PEACE OFFICER. (a) Authorizes an employee commissioned by the executive director of the Texas Parks and Wildlife Department (TPWD) as a peace officer to purchase for an amount set by TPWD, not to exceed fair market value, a firearm issued to the person by TPWD if the firearm is not listed as a prohibited weapon under Section 46.05 (Prohibited Weapons), Penal Code, and is retired by TPWD for replacement purposes.

(b) Authorizes the Texas Parks and Wildlife Commission to adopt rules for the sale of a retired firearm under this section to a peace officer commissioned by the executive director of TPWD.

SECTION 2. Effective date: upon passage or September 1, 2009.