

## **BILL ANALYSIS**

Senate Research Center  
83R11274 JRR-D

H.B. 3370  
By: Craddick (Patrick)  
Criminal Justice  
5/15/2013  
Engrossed

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

Current law exempts honorably retired peace officers and federal criminal investigators who hold a weapons proficiency certificate and a photo identification card issued by a state or local law enforcement agency in accordance with certain requirements from the offenses of unlawful carrying of a weapon and possessing or going with a weapon in a place where weapons are prohibited. These officers may demonstrate weapons proficiency by submitting an affidavit that includes, among other facts, that the officer 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.

Critics assert that legislative action is necessary to ensure that certain retired law enforcement officers who separated from employment with a law enforcement agency in good standing after many years of service or separated due to a service-connected disability have the opportunity to demonstrate weapons proficiency to carry a firearm in the same manner as other honorably retired peace officers in Texas. H.B. 3370 seeks to extend the ability to demonstrate weapons proficiency and qualify for the exemption to certain retired law enforcement officers as defined under federal law who have less than the prescribed period of service.

H.B. 3370 amends the Occupations Code to add the option for an honorably retired peace officer, in providing a sworn affidavit to a law enforcement agency to demonstrate weapons proficiency, to have the affidavit state that before completing 15 years of service as a commissioned officer with one or more state or local law enforcement agencies, the officer separated from employment with the agency or agencies and is a qualified retired law enforcement officer as defined by federal law, as an alternative to stating that the officer honorably retired after not less than a total of 15 years of service in that capacity.

H.B. 3370 amends the Penal Code to include a qualified retired law enforcement officer in the exemption for certain honorably retired peace officers from the offenses of unlawful carrying of a weapon and possessing or going with a weapon in a place where weapons are prohibited.

H.B. 3370 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 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 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 change 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 change 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 Federal 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:

(A) an honorably retired peace officer;

(B) a qualified retired law enforcement officer; or

(C) a federal criminal investigator; or

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

Deletes existing text providing that Sections 46.02 and 46.03 do not apply to an honorably retired peace officer or federal criminal investigator who holds a certificate of proficiency issued under Section 1701.357, Occupations Code, and is carrying a 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.

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 on the date 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, 2013.