

1 term of service as a commissioned officer; and

2 (3) the officer has no psychological or physical
3 disability that would interfere with the officer's proper handling
4 of a handgun.

5 (c) The agency shall establish written procedures for the
6 issuance or denial of a certificate of proficiency under this
7 section. The agency shall issue the certificate to a retired
8 officer who satisfactorily demonstrates weapons proficiency under
9 Subsection (b) and satisfies the written procedures established by
10 the agency. The agency shall maintain records of any retired
11 officer who holds a certificate issued under this section.

12 (d) A certificate issued under this section expires on the
13 second anniversary of the date the certificate was issued.

14 (e) The head of a state or local law enforcement agency may
15 set and collect fees to recover the expenses the agency incurs in
16 performing duties under this section.

17 (f) The amount of a fee set by a county law enforcement
18 agency under Subsection (e) is subject to the approval of the
19 commissioners court of the county. A county law enforcement agency
20 that collects a fee under Subsection (e) shall deposit the amounts
21 collected to the credit of the general fund of the county.

22 (g) A county law enforcement agency must obtain approval of
23 the program authorized by this section from the commissioners court
24 of the county before issuing a certificate of proficiency under
25 this section.

26 (h) The head of a state law enforcement agency may allow an
27 honorably retired federal criminal investigator to whom this

1 section applies an opportunity to demonstrate weapons proficiency
2 in the same manner as, and subject to the same requirements
3 applicable to, an honorably retired peace officer as described by
4 this section. The agency shall issue a certificate of proficiency
5 to an honorably retired federal criminal investigator who otherwise
6 meets the requirements of this section and shall maintain records
7 regarding the issuance of that certificate.

8 SECTION 2. Subsection (a), Section 46.15, Penal Code, is
9 amended to read as follows:

10 (a) Sections 46.02 and 46.03 do not apply to:

11 (1) peace officers and neither section prohibits a
12 peace officer from carrying a weapon in this state, regardless of
13 whether the officer is engaged in the actual discharge of the
14 officer's duties while carrying the weapon;

15 (2) parole officers and neither section prohibits an
16 officer from carrying a weapon in this state if the officer is:

17 (A) engaged in the actual discharge of the
18 officer's duties while carrying the weapon; and

19 (B) in compliance with policies and procedures
20 adopted by the Texas Department of Criminal Justice regarding the
21 possession of a weapon by an officer while on duty;

22 (3) community supervision and corrections department
23 officers appointed or employed under Section 76.004, Government
24 Code, and neither section prohibits an officer from carrying a
25 weapon in this state if the officer is:

26 (A) engaged in the actual discharge of the
27 officer's duties while carrying the weapon; and

1 (B) authorized to carry a weapon under Section
2 76.0051, Government Code; [~~ex~~]

3 (4) a judge or justice of the supreme court, the court
4 of criminal appeals, a court of appeals, a district court, a
5 criminal district court, a constitutional county court, a statutory
6 county court, a justice court, or a municipal court who is licensed
7 to carry a concealed handgun under Subchapter H, Chapter 411,
8 Government Code; or

9 (5) an honorably retired peace officer or federal
10 criminal investigator who holds a certificate of proficiency issued
11 under Section 1701.357, Occupations Code, and is carrying a photo
12 identification that:

13 (A) verifies that the officer honorably retired
14 after not less than 20 years of service as a commissioned officer;
15 and

16 (B) is issued by the agency from which the peace
17 officer retired or, for a federal criminal investigator, by a state
18 law enforcement agency.

19 SECTION 3. This Act takes effect September 1, 2003.

Raid Swihart

President of the Senate

Jim Cusick

Speaker of the House

I hereby certify that S.B. No. 117 passed the Senate on March 27, 2003, by the following vote: Yeas 31, Nays 0; May 28, 2003, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 30, 2003, House granted request of the Senate; May 31, 2003, Senate adopted Conference Committee Report by a viva-voce vote. _____

Amy Spaw

Secretary of the Senate

I hereby certify that S.B. No. 117 passed the House, with amendments, on May 20, 2003, by a non-record vote; May 30, 2003, House granted request of the Senate for appointment of Conference Committee; May 31, 2003, House adopted Conference Committee Report by a non-record vote. _____

Robert Honey

Chief Clerk of the House

Approved:

18 JUN '03

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8:30 PM O'CLOCK

JUN 18 2003
Ann Shea
Secretary of State