

BILL ANALYSIS

C.S.H.B. 1552
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that certain provisions of state law pertaining to the weapons proficiency of and the carrying of a handgun by qualified retired law enforcement officers conflict with applicable federal law, causing confusion and, in some instances, the denial of necessary documentation to obtain a handgun license. C.S.H.B. 1552 seeks to reconcile state and federal law and make certain other revisions to ease the burden placed on these retired officers.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1552 amends the Occupations Code to limit the applicability of provisions relating to demonstrating weapons proficiency for certain retired peace officers and federal law enforcement officers and for former reserve law enforcement officers to only a qualified retired law enforcement officer who is entitled to carry a concealed firearm under applicable federal law. The bill revises those provisions to:

- authorize the head of a state or local law enforcement agency to allow a retired commissioned peace officer who meets certain qualifications the opportunity to demonstrate weapons proficiency;
- authorize the head of a state law enforcement agency to allow a qualified retired law enforcement officer other than a retired commissioned peace officer the opportunity to demonstrate weapons proficiency in the same manner as, and subject to the same requirements applicable to, a retired commissioned peace officer;
- require an agency to establish written procedures for the issuance or denial of a certificate of proficiency to a retired commissioned peace officer or another qualified retired law enforcement officer; and
- require an agency to issue a certificate of proficiency to an officer who satisfactorily demonstrates weapons proficiency and satisfies the written procedures established by the agency.

C.S.H.B. 1552 changes from 15 years of service to 10 years of cumulative service the requisite years of service as a commissioned officer before retiring or separating from employment

included as a qualification for the opportunity to demonstrate handgun proficiency for retired commissioned peace officers. The bill changes the expiration date of a proficiency certificate from the second anniversary of the date the certificate was issued to the first anniversary of that date. The bill expands the forms of identification that may be used as proof that an individual is a qualified retired law enforcement officer for purposes of eligibility to demonstrate weapons proficiency to include forms of identification required under the applicable federal law relating to the carrying of concealed firearms.

C.S.H.B. 1552 amends the Government Code to change from 15 years to 10 cumulative years the requisite years of service as a reserve law enforcement officer that activates the authorization for the person to apply for a handgun license at any time and the authorization for the Department of Public Safety (DPS) to issue a handgun license to such an applicant whom DPS finds to be physically and emotionally fit to possess a handgun.

C.S.H.B. 1552 amends the Penal Code to make conforming changes.

C.S.H.B. 1552 repeals the following provisions:

- Section 411.1992(e), Government Code
- Sections 1701.357(b-1) and (j), Occupations Code

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1552 differs from the original in minor or nonsubstantive ways.