

SUBJECT: Disarming handgun license holders in certain law enforcement facilities

COMMITTEE: Law Enforcement — favorable, without amendment

VOTE: 6 ayes — Driver, Latham, Allen, Frost, Ortiz, West
0 nays
1 absent — Vo

SENATE VOTE: On final passage, May 1 — 31-0, on Local and Uncontested Calendar

WITNESSES: *(On House companion bill, HB 3635 by Turner:)*
For — Steve Lyons, Houston Police Dept., Major Cities Chiefs Association; *(Registered, but did not testify: Darin Bayles, Round Rock Police Department; Rick A. Watson, representing David M. Kunkle, Dallas Police Department Chief of Police)*

Against — None

BACKGROUND: Government Code, sec. 411.207 authorizes peace officers acting in lawful discharge of their duties to disarm concealed handgun license holders under certain circumstances. Officers may disarm license holders any time they reasonably believe it is necessary for the protection of the license holder, officer, or another individual. Peace officers are required to return handguns before allowing the license holders to leave the scene if the officer determines that the licensee is not a threat to the officer, license holder, or another and if the license holder did not violate any concealed handgun law or committed another crime that results in the licensee's arrest.

DIGEST: SB 1709 would authorize peace officers acting in lawful discharge of their duties to temporarily disarm concealed handgun license holders when the license holders entered nonpublic, secure portions of law enforcement facilities, if certain conditions were met.

The law enforcement agency would have to provide a gun locker where

the officer could secure the handgun. The officer would have to secure the gun in the locker and return it immediately after the license holder left the secure area. Nonpublic, secure portions of law enforcement facilities would mean portions of the facilities to which the general public was denied access without express permission and to which access was given solely for official agency business.

Law enforcement facilities would have to prominently display at each entrance to the nonpublic, secure area a sign, in English and Spanish, that gave notice of the authorization to temporarily disarm a license holder. The sign would have to be in contrasting colors with block letters at least one inch high and displayed in a clearly visible and conspicuous manner.

The bill would take effect September 1, 2007.

**SUPPORTERS
SAY:**

SB 1709 is necessary to ensure that certain areas in law enforcement agencies remain safe and free of concealed handguns. Currently, the authority of peace officers to disarm concealed handgun licensees is limited to certain situations involving the protection of license holders, officers, or others. It does not give officers explicit authority to disarm license holders who are entering certain secure areas in a law enforcement facility. SB 1709 would address this problem by allowing for license holders who were entering certain areas to be temporarily disarmed and to have their firearms returned immediately when they left the area.

SB 1709 is narrowly drawn to apply only to the secure, nonpublic areas of law enforcement agencies, such as interrogation rooms. In these areas, peace officers themselves may not be allowed to carry weapons. Keeping these areas free of weapons would ensure a safe and secure environment. The bill would require that license holders clearly be notified of the authority of the peace officers to disarm them and that they be provided lockers so that they would not have to leave their weapons in their car or other place.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The companion bill, HB 3635 by Turner, passed the House on May 4 on the Local, Consent, and Resolutions Calendar and has been referred to the

Senate Criminal Justice Committee.