

BILL ANALYSIS

Senate Research Center

H.B. 57
By: Wilson (Patterson)
Criminal Justice
5-13-97
Engrossed

DIGEST

Currently, Section 46.15 of the Penal Code provides that regulations regarding the unlawful carrying of weapons do not apply to peace officers, thus allowing them to carry weapons whether on duty or not. Furthermore, Section 46.02 of the Penal Code specifically offers peace officers a defense for the offense of carrying an illegal weapon, and Section 46.03 offers a defense to peace officers for the offense of carrying an illegal weapon in certain places, such as schools, school buses, polling places, government courts or offices, racetracks, or the secured area of an airport. Under the present statute, judicial officers and retired judicial officers are not offered the same defense as peace officers. H.B. 57 allows judicial officers and retired judicial officers to carry weapons, regardless of whether the officers are engaged in the actual discharge of duty.

PURPOSE

As proposed, H.B. 57 establishes the authority of active and retired judicial officers to carry certain weapons.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 46.15, Penal Code, as follows:

Sec. 46.15. New heading: NONAPPLICABILITY TO PEACE OFFICERS, JUDICIAL OFFICERS. Provides that Sections 46.02 and 46.03, regarding the unlawful carrying of weapons and places where weapons are prohibited, do not apply to active or retired judicial officers and neither section prohibits an active or retired judicial officer from carrying a weapon in this state, regardless of whether the officer is engaged in the actual discharge of the officer's duties while carrying the weapon. Defines "active judicial officer" and "retired judicial officer."

SECTION 2. Repealer: Section 30, Article 4413(29ee), V.T.C.S. (Active and Retired Judicial Officers).

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.