By: Tepper H.B. No. 567

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of weapons by community supervision and corrections department officers, juvenile probation officers, and certain retired law enforcement officers and to criminal liability for taking a weapon from certain of those officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2A.052, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) An establishment serving the public may not prohibit or otherwise restrict a peace officer, a [~~or~~] special investigator, a community supervision and corrections department officer, or a juvenile probation officer described by Section 46.15(a)(1), (3), or (9), Penal Code, as applicable, from carrying on the establishment's premises a weapon that the officer or investigator is otherwise authorized to carry, regardless of whether the officer or investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon.

(b-1) An establishment serving the public may not prohibit or otherwise restrict an honorably retired peace officer or other qualified retired law enforcement officer described by Section 46.15(a)(5), Penal Code, from carrying on the establishment's premises a weapon that the officer is otherwise authorized to carry.

SECTION 2. Article 17.03(b-3)(2), Code of Criminal Procedure, is amended to read as follows:

(2) "Offense involving violence" means an offense under the following provisions of the Penal Code:

(A) Section 19.02 (murder);

(B) Section 19.03 (capital murder);

(C) Section 20.03 (kidnapping);

(D) Section 20.04 (aggravated kidnapping);

(E) Section 20A.02 (trafficking of persons);

(F) Section 20A.03 (continuous trafficking of persons);

(G) Section 21.02 (continuous sexual abuse of young child or disabled individual);

(H) Section 21.11 (indecency with a child);

(I) Section 22.01(a)(1) (assault), if the offense is:

(i) punishable as a felony of the second degree under Subsection (b-2) of that section; or

(ii) punishable as a felony and involved family violence as defined by Section 71.004, Family Code;

(J) Section 22.011 (sexual assault);

(K) Section 22.02 (aggravated assault);

(L) Section 22.021 (aggravated sexual assault);

(M) Section 22.04 (injury to a child, elderly individual, or disabled individual);

(N) Section 25.072 (repeated violation of certain court orders or conditions of bond in family violence,

child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case);

(O) Section 25.11 (continuous violence against the family);

(P) Section 29.03 (aggravated robbery);

(Q) Section 38.14 (taking or attempting to take weapon from certain individuals working in public safety [~~peace officer, federal special investigator, employee or official of correctional facility, parole officer, community supervision and corrections department officer, or commissioned security officer~~]);

(R) Section 43.04 (aggravated promotion of prostitution), if the defendant is not alleged to have engaged in conduct constituting an offense under Section 43.02(a);

(S) Section 43.05 (compelling prostitution); or

(T) Section 43.25 (sexual performance by a child).

SECTION 3. Section 76.0051, Government Code, is amended to read as follows:

Sec. 76.0051. AUTHORIZATION TO CARRY WEAPON. An officer is authorized to carry a weapon under this section, regardless of whether the officer is [~~while~~] engaged in the actual discharge of the officer's duties, only if:

(1) the officer possesses a certificate of firearms proficiency issued by the Texas Commission on Law Enforcement under Section 1701.257, Occupations Code; and

(2) the director of the department agrees to the

authorization.

SECTION 4. Section 142.006(a), Human Resources Code, is amended to read as follows:

(a) A juvenile probation officer may carry a firearm under this section, regardless of whether the officer is carrying the firearm in the course of the officer's official duties, if:

(1) the juvenile probation officer possesses a certificate of firearms proficiency issued by the Texas Commission on Law Enforcement under Section 1701.259, Occupations Code;

(2) the chief juvenile probation officer of the juvenile probation department that employs the juvenile probation officer authorizes the juvenile probation officer to carry a firearm in the course of the officer's official duties; and

(3) the juvenile probation officer has been employed for at least one year by the juvenile probation department described by Subdivision (2).

SECTION 5. The heading to Section 38.14, Penal Code, is amended to read as follows:

Sec. 38.14. TAKING OR ATTEMPTING TO TAKE WEAPON FROM CERTAIN INDIVIDUALS WORKING IN PUBLIC SAFETY [~~PEACE OFFICER, FEDERAL SPECIAL INVESTIGATOR, EMPLOYEE OR OFFICIAL OF CORRECTIONAL FACILITY, PAROLE OFFICER, COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT OFFICER, OR COMMISSIONED SECURITY OFFICER~~].

SECTION 6. Sections 38.14(b), (c), and (d), Penal Code, are amended to read as follows:

(b) A person commits an offense if the person intentionally or knowingly and with force takes or attempts to take from a peace

officer, federal special investigator, employee or official of a correctional facility, parole officer, community supervision and corrections department officer, juvenile probation officer, or commissioned security officer the officer's, investigator's, employee's, or official's firearm, nightstick, stun gun, or personal protection chemical dispensing device.

(c) The actor is presumed to have known that the peace officer, federal special investigator, employee or official of a correctional facility, parole officer, community supervision and corrections department officer, juvenile probation officer, or commissioned security officer was a peace officer, federal special investigator, employee or official of a correctional facility, parole officer, community supervision and corrections department officer, juvenile probation officer, or commissioned security officer if:

(1) the officer, investigator, employee, or official was wearing a distinctive uniform or badge indicating his employment; or

(2) the officer, investigator, employee, or official identified himself as a peace officer, federal special investigator, employee or official of a correctional facility, parole officer, community supervision and corrections department officer, juvenile probation officer, or commissioned security officer.

(d) It is a defense to prosecution under this section that the defendant took or attempted to take the weapon from a peace officer, federal special investigator, employee or official of a

correctional facility, parole officer, community supervision and corrections department officer, juvenile probation officer, or commissioned security officer who was using force against the defendant or another in excess of the amount of force permitted by law.

SECTION 7. Section 46.15, Penal Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

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

(1) peace officers or special investigators under Article 2A.002, Code of Criminal Procedure, and neither section prohibits a peace officer or special investigator from carrying a weapon in this state, including in an establishment [~~in this state~~] serving the public, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon;

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

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

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

(3) community supervision and corrections department officers appointed or employed under Section 76.004, Government Code, and authorized to carry a weapon under Section 76.0051, Government Code, and neither section prohibits the [~~an~~] officer

from carrying a weapon in this state, including in an establishment serving the public, regardless of whether [~~if~~] the officer is[~~:~~

[~~(A)~~] engaged in the actual discharge of the officer's duties while carrying the weapon[~~, and~~

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

(4) an active or retired judicial officer as defined by Section 411.201, Government Code, who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(5) an honorably retired peace officer or other qualified retired law enforcement officer, as defined by 18 U.S.C. Section 926C, who holds a certificate of proficiency issued under Section 1701.357, 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 an honorably retired peace officer or other qualified retired law enforcement officer, and neither section prohibits the officer from carrying a weapon in this state, including in an establishment serving the public;

(6) the attorney general or a United States attorney, district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(7) an assistant United States attorney, assistant attorney general, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(8) a bailiff designated by an active judicial officer as defined by Section 411.201, Government Code, who is:

(A) licensed to carry a handgun under Subchapter H, Chapter 411, Government Code; and

(B) engaged in escorting the judicial officer;

(9) a juvenile probation officer who is authorized to carry a firearm under Section 142.006, Human Resources Code, and neither section prohibits the officer from carrying a firearm in this state, including in an establishment serving the public, regardless of whether the officer is carrying the firearm in the course of the officer's official duties;

(10) a person who is volunteer emergency services personnel if the person is:

(A) carrying a handgun under the authority of Subchapter H, Chapter 411, Government Code; and

(B) engaged in providing emergency services;

(11) a person who:

(A) retired after serving as a judge or justice described by Section 411.201(a)(1), Government Code; and

(B) is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code; or

(12) a district or county clerk who is carrying a handgun the clerk is licensed to carry under Subchapter H, Chapter 411, Government Code.

(c) In this section, "establishment serving the public" has the meaning assigned by Article 2A.052, Code of Criminal Procedure.

SECTION 8. Article 2A.052, Code of Criminal Procedure, as

amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act.

SECTION 9. Section 76.0051, Government Code, as amended by this Act, and Section 142.006, Human Resources Code, as amended by this Act, apply only to the carrying of a weapon or firearm on or after the effective date of this Act.

SECTION 10. Sections 38.14 and 46.15, Penal Code, as amended by this Act, apply only to an offense committed on or after the effective date of this Act. 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. 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 11. This Act takes effect September 1, 2027.