

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

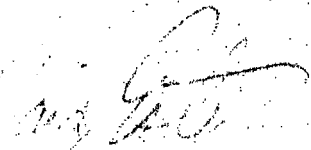
May 25<sup>th</sup>, 2009  
Date

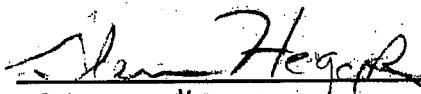
Honorable David Dewhurst  
President of the Senate

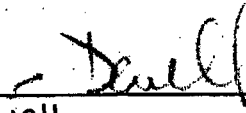
Honorable Joe Straus  
Speaker of the House of Representatives


Sirs:


We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.B. 1237 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

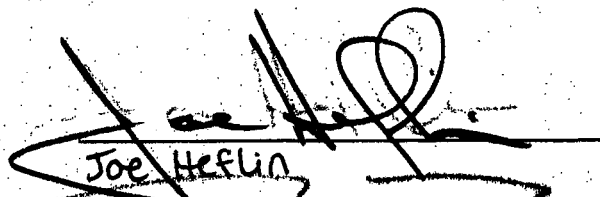
  
\_\_\_\_\_  
Craig Estes, Chair

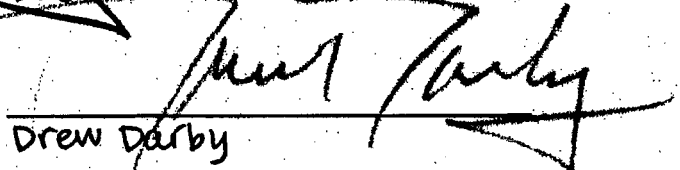
  
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Glenn Hegar

  
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Bob Devell

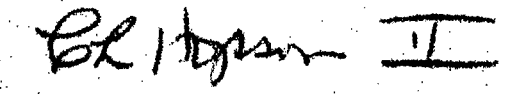
  
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John Whitmire


  
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On the part of the Senate  
Kel Seliger

  
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Joe Heflin

  
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Drew Darby

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Stephen Frost

  
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Chuck Hopson

  
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On the part of the House  
Tryon D. Lewis

## Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

S.B. No. 1237

A BILL TO BE ENTITLED

AN ACT

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relating to the authority of certain juvenile probation officers to carry firearms.

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

SECTION 1. The heading to Section 141.066, Human Resources Code, is amended to read as follows:

Sec. 141.066. [~~PROHIBITION—ON~~] CARRYING OF FIREARM BY CERTAIN OFFICERS PROHIBITED.

SECTION 2. Subsection (b), Section 141.066, Human Resources Code, is amended to read as follows:

(b) This section does not apply to:

(1) an employee of the Texas Youth Commission; or

(2) a juvenile probation officer authorized to carry a firearm under Section 142.006.

SECTION 3. Chapter 142, Human Resources Code, is amended by adding Section 142.006 to read as follows:

Sec. 142.006. AUTHORIZATION TO CARRY FIREARM. (a) A juvenile probation officer may carry a 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 Commission on Law Enforcement Officer Standards and Education under Section 1701.258, Occupations Code;

(2) the chief juvenile probation officer of the

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

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

7 (b) A juvenile probation officer is disqualified from being  
8 authorized to carry a firearm under this section if the officer has  
9 been designated a perpetrator in a Texas Juvenile Probation  
10 Commission abuse, neglect, or exploitation investigation.

11 (c) This section does not affect the sovereign immunity of  
12 the state, an agency of the state, or a political subdivision of the  
13 state.

14 SECTION 4. Subsection (a), Section 46.15, Penal Code, as  
15 amended by Chapters 1214 (H.B. 1889) and 1222 (H.B. 2300), Acts of  
16 the 80th Legislature, Regular Session, 2007, is reenacted and  
17 amended to read as follows:

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

19 (1) peace officers or special investigators under  
20 Article 2.122, Code of Criminal Procedure, and neither section  
21 prohibits a peace officer or special investigator from carrying a  
22 weapon in this state, including in an establishment in this state  
23 serving the public, regardless of whether the peace officer or  
24 special investigator is engaged in the actual discharge of the  
25 officer's or investigator's duties while carrying the weapon;

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

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

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

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

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

12 (B) authorized to carry a weapon under Section  
13 76.0051, Government Code;

14 (4) a judge or justice of a federal court, the supreme  
15 court, the court of criminal appeals, a court of appeals, a district  
16 court, a criminal district court, a constitutional county court, a  
17 statutory county court, a justice court, or a municipal court who is  
18 licensed to carry a concealed handgun under Subchapter H, Chapter  
19 411, Government Code;

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

24 (A) verifies that the officer honorably retired  
25 after not less than 15 years of service as a commissioned officer;  
26 and

27 (B) is issued by a state or local law enforcement

1 agency;

2 (6) a district attorney, criminal district attorney,  
3 county attorney, or municipal attorney who is licensed to carry a  
4 concealed handgun under Subchapter H, Chapter 411, Government Code;  
5 [~~or~~]

6 (7) an assistant district attorney, assistant  
7 criminal district attorney, or assistant county attorney who is  
8 licensed to carry a concealed handgun under Subchapter H, Chapter  
9 411, Government Code;

10 (8) [~~(7)~~] a bailiff designated by an active judicial  
11 officer as defined by Section 411.201, Government Code, who is:

12 (A) licensed to carry a concealed handgun under  
13 Chapter 411, Government Code; and

14 (B) engaged in escorting the judicial officer; or

15 (9) a juvenile probation officer who is authorized to  
16 carry a firearm under Section 142.006, Human Resources Code.

17 SECTION 5. Subchapter F, Chapter 1701, Occupations Code, is  
18 amended by adding Section 1701.258 to read as follows:

19 Sec. 1701.258. FIREARMS TRAINING PROGRAM FOR JUVENILE  
20 PROBATION OFFICERS. (a) The commission and the Texas Juvenile  
21 Probation Commission by rule shall adopt a memorandum of  
22 understanding that establishes a training program in the use of  
23 firearms by juvenile probation officers. The memorandum of  
24 understanding must establish a program that provides instruction  
25 in:

26 (1) legal limitations on the use of firearms and on the  
27 powers and authority of juvenile probation officers;

1           (2) range firing and procedure, and firearms safety  
2 and maintenance; and

3           (3) other topics determined by the commission and the  
4 Texas Juvenile Probation Commission to be necessary for the  
5 responsible use of firearms by juvenile probation officers.

6           (b) The commission shall administer the training program  
7 and shall issue a certificate of firearms proficiency to each  
8 juvenile probation officer the commission determines has  
9 successfully completed the program described by Subsection (a).

10          (c) The commission may establish reasonable and necessary  
11 fees for the administration of this section.

12          (d) This section does not affect the sovereign immunity of  
13 the state, an agency of the state, or a political subdivision of the  
14 state.

15          SECTION 6. The Commission on Law Enforcement Officer  
16 Standards and Education and the Texas Juvenile Probation Commission  
17 shall adopt the memorandum of understanding required by Section  
18 1701.258, Occupations Code, as added by this Act, not later than  
19 January 1, 2010.

20          SECTION 7. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2009.

**Senate Bill 1237**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

SECTION 1. The heading to Section 141.066, Human Resources Code, is amended.

SECTION 1. Same as Senate version.

SECTION 1. Same as Senate version.

SECTION 2. Amends Section 141.066(b), Human Resources Code, relating to certain exceptions to the prohibition against certain officers carrying a firearm.

SECTION 2. Same as Senate version.

SECTION 2. Same as Senate version.

SECTION 3. Chapter 142, Human Resources Code, is amended by adding Section 142.006 to read as follows:

SECTION 3. Same as Senate version, except as follows:

SECTION 3. Same as Senate version, except as follows:

Sec. 142.006. Authorization to Carry Firearm. (a) Authorizes a juvenile probation officer to carry a 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 Commission on Law Enforcement Officer Standards and Education, and (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.

Sec. 142.006. Authorization to Carry Firearm. (a) Authorizes a juvenile probation officer to carry a 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 Commission on Law Enforcement Officer Standards and Education, and (2) *the juvenile board* 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 authorized to carry a firearm must be an employee of the juvenile probation department for *at least three (3) years*.

Sec. 142.006. Authorization to Carry Firearm. (a) Authorizes a juvenile probation officer carry a firearm in the course of the officer's official duties if the juvenile probation officer possesses a certificate of firearms proficiency issued by the Commission on Law Enforcement Officer Standards and Education, (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.

(3) Disqualifies a juvenile probation officer from authorization to carry a firearm if the juvenile probation officer *has any past or present disciplinary investigations with the department or any other agency or department that serves youth or adults*.

(b) Disqualifies a juvenile probation officer from being authorized to carry a firearm if the officer *has been designated a perpetrator in a Texas Juvenile Probation Commission abuse, neglect, or exploitation investigation*.

**Senate Bill 1237**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

(b) Provides that his section does not affect the sovereign immunity of the state, an agency of the state, or a political subdivision of the state.

(b) Same as Senate version.

(c) Same as Senate version.

SECTION 4. Subsection (a), Section 46.15, Penal Code, as amended by Chapters 1214 (H.B. 1889) and 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, is reenacted and is further amended to exempt a juvenile probation officer who is authorized to carry a firearm from provisions relating to the unlawful carrying of a weapon and to places where weapons are prohibited.

SECTION 4. Same as Senate version.

SECTION 4. Same as Senate version.

SECTION 5. Adds Section 1701.258, Occupations Code, Firearms Training Program for Juvenile Probation Officers.

SECTION 5. Same as Senate version.

SECTION 5. Same as Senate version.

No equivalent provision.

SECTION \_\_\_\_\_. This Act applies only to counties that have a population of 150,000 residents or less.

Same as Senate version.

SECTION 6. Transition provision.

SECTION 6. Same as Senate version.

SECTION 6. Same as Senate version.

SECTION 7. Effective date.

SECTION 7. Same as Senate version.

SECTION 7. Same as Senate version.



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 26, 2009**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** SB1237 by Estes (Relating to the authority of certain juvenile probation officers to carry firearms.), **Conference Committee Report**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Human Resources Code to permit certain juvenile probation officers who possess a certificate of firearms proficiency issued by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) to carry a firearm in the course of official duty. The bill would also amend the Occupations Code to require the Juvenile Probation Commission and TCLEOSE to adopt a memorandum of understanding establishing a training program for the use of firearms by juvenile probation officers and require TCLEOSE to administer the training program. The bill would also allow TCLEOSE to collect fees for the administration of the training program. The bill would take effect immediately if it receives a two-thirds vote of all the members in each house, otherwise it would take effect on September 1, 2009.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

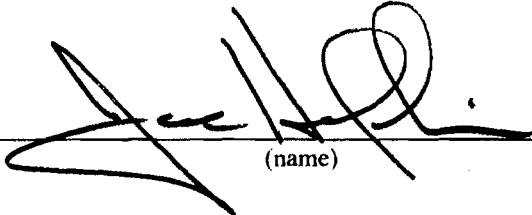
**Source Agencies:** 665 Juvenile Probation Commission, 407 Commission on Law Enforcement Officer Standards and Education

**LBB Staff:** JOB, SD, ESi, GG, AI

## Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on S. B. 1237 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

  
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(name)

5-26-09  
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(date)