

By: Miller of Comal

H.B. No. 2135

A BILL TO BE ENTITLED

AN ACT

relating to the purchasing of a firearm of an honorably retired or deceased peace officer.

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

SECTION 1. The heading to Subchapter D, Chapter 614, Government Code, is amended to read as follows:

SUBCHAPTER D. PURCHASE OF ~~[AGENCY-ISSUED]~~ FIREARM OF HONORABLY RETIRED OR DECEASED PEACE OFFICER

SECTION 2. Subchapter D, Chapter 614, Government Code, is amended by adding Section 614.0505 to read as follows:

Sec. 614.0505. DEFINITION. In this subchapter, "governmental entity" means a state agency, a county, or a municipality.

SECTION 3. Section [614.051](#), Government Code, is amended to read as follows:

Sec. 614.051. PURCHASE OF FIREARM BY HONORABLY RETIRED PEACE OFFICER. (a) An individual may purchase a firearm from a governmental entity ~~[state agency]~~ if:

(1) the individual was a peace officer commissioned by the entity ~~[agency]~~;

(2) the individual was honorably retired from the individual's commission by the entity ~~[state]~~;

(3) the firearm had been previously issued to the individual by the entity ~~[agency]~~; and

1           (4) the firearm is not a prohibited weapon under  
2 Section 46.05, Penal Code.

3           (b) An individual may purchase only one firearm from a  
4 governmental entity [~~state agency~~] under this section.

5           SECTION 4. Section 614.052(a), Government Code, is amended  
6 to read as follows:

7           (a) An individual listed under Subsection (b) may purchase a  
8 firearm from a governmental entity [~~state agency~~] if:

9           (1) the firearm had been previously issued by the  
10 entity [~~agency~~] to a peace officer commissioned by the entity  
11 [~~agency~~] who died while commissioned, without regard to whether the  
12 officer died while discharging the officer's official duties; and

13           (2) the firearm is not a prohibited weapon under  
14 Section 46.05, Penal Code.

15           SECTION 5. Section 614.053, Government Code, is amended to  
16 read as follows:

17           Sec. 614.053. PURCHASE PRICE OF FIREARM. A governmental  
18 entity [~~state agency~~] shall establish the amount, which may not  
19 exceed fair market value, for which a firearm may be purchased under  
20 this subchapter.

21           SECTION 6. The heading to Section 614.054, Government Code,  
22 is amended to read as follows:

23           Sec. 614.054. WHEN FIREARM MAY BE PURCHASED [~~FROM STATE~~  
24 ~~AGENCY~~]; DELAY OF SALE BY GOVERNMENTAL ENTITY [~~AGENCY~~].

25           SECTION 7. Section 614.054(b), Government Code, is amended  
26 to read as follows:

27           (b) A governmental entity [~~state agency~~] that cannot

1 immediately replace the firearm may delay the sale of the firearm  
2 until the entity [~~agency~~] can replace the firearm.

3 SECTION 8. Section 170.002, Local Government Code, is  
4 repealed.

5 SECTION 9. This Act takes effect September 1, 2015.