

2.03

**HONORABLY RETIRED OFFICERS**

**Effective Date: 0-00-00**

**PURPOSE**

The Purpose of this policy is to ensure Honorably Retired Peace Officers (HRO) of the Hidalgo County Sheriff's Office is in compliance with the applicable state and federal statutes that address the right of HRO to carry firearms.

**POLICY**

It is the policy of this agency that HRO will be supported, through training and certification, in their efforts to lawfully carry firearms.

2.03.01

**DEFINITIONS**

Honorably retired peace officer under Texas Government Code Section 614.121 (2) means a former peace officer who:

- A. previously served but is not currently serving as an elected, appointed, or employed peace officer under Article 2.12, Code of Criminal Procedure, or other law;
- B. did not retire in lieu of any disciplinary action;
- C. was eligible to retire from a law enforcement agency in this state or was ineligible to retire only as a result of any injury received in the course of the officer's employment with the agency; and
- D. is eligible to receive a pension or annuity for service as a law enforcement officer in this state or is ineligible to receive a pension or annuity only because the law enforcement agency that employed the officer does not offer a pension or annuity to its employees.

2.03.02

**CARRYING OF HANDGUN OR FIREARM**

- A. PLACES SUBJECT TO CHAPTER 46 OF THE TEXAS PENAL CODE
  - 1. Honorably Retired Peace Officers shall have in their immediate possession the Identification Card and current Proficiency Certificate issued by this agency when carrying a handgun or firearm in places subject to Sections 46.02 or 46.03 of Chapter 46 Texas Penal Code.

*Chimely*  
7-25/16

**2.03.03**

**IDENTIFICATION CARD**

**A. ISSUANCE**

1. This agency may issue an identification card to its honorably retired peace officers.
2. The identification card will conform to Sec 614.124 (b) of the Texas Government Code.

**B. LOST OR STOLEN CARDS**

1. When issued identification cards is lost or stolen, Honorably Retired Peace Officers of this agency are required to submit an affidavit stating such card was lost or stolen.
2. After paying an applicable fee, a duplicate card may be issued to the Honorably Retired Peace Officer.

**C. EXPIRATION OF CARDS**

Identification cards shall expire on the date specified by this agency.

**2.03.04.**

**PROFICIENCY CERTIFICATE**

**A. AFFIDAVIT**

This agency may allow honorably retired peace officers an opportunity to demonstrate weapons proficiency if the retired officer provides a sworn affidavit stating that:

1. The officer honorably retired after not less than a total of 15 years of service as a commissioned officer with one or more state or local law enforcement agencies;
2. the officer's license as a commissioned officer was not revoked or suspended for any period during the officer's term of service as a commissioned officer; and
3. the officer has no psychological or physical disability that would interfere with the officer's proper handling of a handgun.

## B. ISSUANCE

1. This agency shall issue a proficiency certificate to a retired officer who satisfactorily demonstrates weapons proficiency and meets the definition of honorably retired peace officer.
2. Proficiency will be demonstrated by successfully completing an HCSO state qualification course of fire.
3. Courses of fire / qualifications from other agencies are subject to approval from HCSO firearms instructors. Such courses of fire / qualifications must be completed by a qualified firearms instructor or range master from that law enforcement agency. Proof of said qualification must be on that agency's letterhead and be provided to the HCSO training academy personnel for verification.
4. Proof that a retired officer is entitled to receive a pension or annuity or is not entitled to receive a pension or annuity only because the agency that last employed the retired officer does not offer a pension or annuity may include a retired peace officer identification card issued under Subchapter H, Chapter 614, Government Code.
5. Honorably retired peace officers from other agencies may comply with these same proficiency procedures with the approval of the Chief of Police or Sheriff for whom the proficiency officer served. In these instances, the retired officer shall furnish an Honorably Retired Peace Officer Identification.

## C. EXPIRATION AND REVOCATION

1. A proficiency certificate expires on the first anniversary of the date the certificate was issued.
2. This agency may revoke an identification card at any time for just cause.

#### **D. PROFICIENCY RECORDS**

- 1. The HSCO Human Resource Department shall be the final repository of proficiency records of Honorably Retired Peace Officers.**
- 2. Proficiency officers issuing certificates shall forward the following records to the HCSO Human Resource Department without delay:**
  - a) A photo copy of the Honorably Retired Peace Officer Identification.**
  - b) Firearms Qualification Record**

Sec. 1701.357. WEAPONS PROFICIENCY FOR CERTAIN RETIRED PEACE OFFICERS AND FEDERAL LAW ENFORCEMENT OFFICERS AND FOR FORMER RESERVE LAW ENFORCEMENT OFFICERS. (a) This section applies only to:

- (1) a peace officer;
- (2) a federal criminal investigator designated as a special investigator under Article 2.122, Code of Criminal Procedure;
- (3) a qualified retired law enforcement officer who is entitled to carry a concealed firearm under 18 U.S.C. Section 926C and is not otherwise described by Subdivision (1) or (2); and
- (4) a former reserve law enforcement officer who served in that capacity not less than a total of 15 years with one or more state or local law enforcement agencies.

(b) The head of a state or local law enforcement agency may allow an honorably retired peace officer an opportunity to demonstrate weapons proficiency if the retired officer provides to the agency a sworn affidavit stating that:

- (1) the officer:
  - (A) honorably retired after not less than a total of 15 years of service as a commissioned officer with one or more state or local law enforcement agencies; or
  - (B) before completing 15 years of service as a commissioned officer with one or more state or local law enforcement agencies, separated from employment with the agency or agencies and is a qualified retired law enforcement officer, as defined by 18 U.S.C. Section 926C;
- (2) the officer's license as a commissioned officer was not revoked or suspended for any period during the officer's term of service as a commissioned officer; and
- (3) the officer has no psychological or physical disability that would interfere with the officer's proper handling of a handgun.

(b-1) The head of a state or local law enforcement agency may allow a person who served as a reserve law enforcement officer as described by Subsection (a)(4) an opportunity to demonstrate weapons proficiency if the person provides to the agency a sworn affidavit stating that:

- (1) the person served not less than a total of 15 years as a reserve law enforcement officer with one or more state or local law enforcement agencies;
- (2) the person's appointment as a reserve law enforcement officer was not revoked or suspended for any period during the person's term of service; and
- (3) the person has no psychological or physical disability that would interfere with the person's proper handling of a handgun.

(c) The agency shall establish written procedures for the issuance or denial of a certificate of proficiency under this section. The agency shall issue the certificate to a retired officer who satisfactorily demonstrates weapons proficiency under Subsection (b), provides proof that the officer is entitled to receive a pension or annuity for service with a state or local law enforcement agency or is not entitled to

receive a pension or annuity only because the law enforcement agency that employed the retired officer does not offer a pension or annuity to its retired employees, and satisfies the written procedures established by the agency. The agency shall issue the certificate to a person described by Subsection (a)(4) who satisfactorily demonstrates weapons proficiency under Subsection (b-1). The agency shall maintain records of any person who holds a certificate issued under this section.

(c-1) For purposes of Subsection (c), proof that a retired officer is entitled to receive a pension or annuity or is not entitled to receive a pension or annuity only because the agency that last employed the retired officer does not offer a pension or annuity may include a retired peace officer identification card issued under Subchapter H, Chapter 614, Government Code.

(d) A certificate issued under this section expires on the second anniversary of the date the certificate was issued. A person to whom this section applies may request an annual evaluation of weapons proficiency and issuance of a certificate of proficiency as needed to comply with applicable federal or other laws.

(e) The head of a state or local law enforcement agency may set and collect fees to recover the expenses the agency incurs in performing duties under this section.

(f) The amount of a fee set by a county law enforcement agency under Subsection (e) is subject to the approval of the commissioners court of the county. A county law enforcement agency that collects a fee under Subsection (e) shall deposit the amounts collected to the credit of the general fund of the county.

(g) A county law enforcement agency must obtain approval of the program authorized by this section from the commissioners court of the county before issuing a certificate of proficiency under this section.

(h) The head of a state law enforcement agency may allow an honorably retired federal criminal investigator or a qualified retired law enforcement officer to whom this section applies an opportunity to demonstrate weapons proficiency in the same manner as, and subject to the same requirements applicable to, an honorably retired peace officer as described by this section. The agency shall issue a certificate of proficiency to an honorably retired federal criminal investigator or a qualified retired law enforcement officer who otherwise meets the requirements of this section and shall maintain records regarding the issuance of that certificate.

(i) On request of an honorably retired officer who holds a certificate of proficiency under this section, the head of the state or local law enforcement agency from which the officer retired shall issue to the retired officer identification that indicates that the officer honorably retired from the agency. An identification under this subsection must include a photograph of the retired officer.

(j) On request of a person described by Subsection (a)(4) who holds a certificate of proficiency under this section, the head of the state or local law enforcement agency at which the person last served as a reserve law enforcement officer shall issue to the person identification that indicates the person's status. An identification under this subsection must include a photograph of the person.

Added by Acts 2003, 78th Leg., ch. 325, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 1093 (H.B. 2110), Sec. 2, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 1179 (S.B. 578), Sec. 1, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 1187 (H.B. 638), Sec. 1, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1187 (H.B. 638), Sec. 2, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 428 (H.B. 2068), Sec. 1, eff. June 19, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 1080 (H.B. 3370), Sec. 2, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1080 (H.B. 3370), Sec. 3, eff. September 1, 2013.