



**Austin City Code Amendment
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 17
AGENDA DATE: Thu 03/03/2005
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SUBJECT: Approve an ordinance amending Chapter 9-6 of the City Code by creating a new exception in Section 9-6-4 to authorize the carrying of a firearm on the premises of the Austin Police Department by retired peace officers employed by the police department.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING Police
DEPARTMENT:**

**DIRECTOR'S
AUTHORIZATION:** Rick Coy

FOR MORE INFORMATION CONTACT: Rick Coy, Assistant Chief/974-5021

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

This action approves an ordinance amending Chapter 9-6 of the City Code by creating a new exception in Section 9-6-4 to authorize the carrying of a firearm on the premises of the Austin Police Department by retired peace officers employed by the Police Department, who hold a certificate of proficiency issued under Section 1701.357 of the Occupations Code. The City Code, Section 9-6-2, prohibits a person from entering or remaining on city premises if the person is carrying a concealed or unconcealed firearm, with exceptions for peace officers and commissioned security officers, gun shows, and for shipping at the airport. This amendment is needed so that APD can employ retired peace officers to staff the department's control booth, and to provide security at the department headquarters.

State law, the Occupations Code, authorizes honorably retired peace officers to carry a handgun, whether concealed or not, if the officer honorably retired after not less than 20 years of service as a commissioned officer; the officer's license as a commissioned officer was not revoked or suspended during the officer's service; and the officer has no psychological or physical disability that would interfere with the officer's proper handling of a handgun.

ORDINANCE NO. 050303-

AN ORDINANCE AMENDING CHAPTER 9-6 OF THE CITY CODE TO CREATE AN EXCEPTION AUTHORIZING THE CARRYING OF A FIREARM ON THE PREMISES OF THE AUSTIN POLICE DEPARTMENT BY RETIRED PEACE OFFICERS EMPLOYED BY THE POLICE DEPARTMENT, WHO HOLD A CERTIFICATE OF PROFICIENCY ISSUED UNDER STATE LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 9-6-2 of the City Code is amended to read as follows:

§ 9-6-2 FIREARMS PROHIBITED ON CITY PREMISES.

Except as provided in Sections 9-6-4 (*Exception for Peace or Security Officers, or Retired Officers*), 9-6-5 (*Exception for Gun Shows*), and 9-6-6 (*Exception for Shipping at Airport*), a person may not enter or remain on city premises if the person is carrying a concealed or unconcealed firearm.

PART 2. Section 9-6-4 of the City Code is amended to read as follows:

§ 9-6-4 EXCEPTION FOR PEACE OR SECURITY OFFICERS, OR RETIRED OFFICERS.

This chapter does not apply to:

- (1) a peace officer employed by the City or other governmental entity lawfully acting within the scope of the peace officer's duties; [or]
- (2) a commissioned security officer hired by or under contract with the City lawfully acting within the scope of that employment; or [-]
- (3) a retired peace officer employed by the police department, who holds a certificate of proficiency issued under state law that authorizes the retired officer to carry a handgun, lawfully acting within the scope of that employment on premises of the police department.

PART 3. This ordinance takes effect on March 14, 2005.

PASSED AND APPROVED

March 3, 2005

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Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Brown
City Clerk