

By: Harris

H.B. No. 1069

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of a handgun by certain first responders.

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

SECTION 1. The heading to Section 112.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 112.001. CERTAIN ACTIONS OF FIRST RESPONDERS [~~VOLUNTEER EMERGENCY SERVICES PERSONNEL~~].

SECTION 2. Sections 112.001(a), (b), and (c), Civil Practice and Remedies Code, are amended to read as follows:

(a) In this section:

(1) "First responder" has the meaning assigned by Section 46.01, Penal Code.

(2) "Governmental unit" has the meaning assigned by Section 101.001.

~~[(2) "Volunteer emergency services personnel" has the meaning assigned by Section 46.01, Penal Code.]~~

(b) A governmental unit is not liable in a civil action arising from the discharge of a handgun by an individual who is a first responder [~~volunteer emergency services personnel~~] and licensed to carry the handgun under Subchapter H, Chapter 411, Government Code.

(c) The discharge of a handgun by an individual who is a first responder [~~volunteer emergency services personnel~~] and licensed to carry the handgun under Subchapter H, Chapter 411,

1 Government Code, is outside the course and scope of the  
2 individual's duties as a first responder [~~volunteer emergency~~  
3 ~~services personnel~~].

4 SECTION 3. Subchapter H, Chapter 411, Government Code, is  
5 amended by adding Section 411.184 to read as follows:

6 Sec. 411.184. ON-DUTY FIRST RESPONDER TRAINING COURSE.

7 (a) In this section, "first responder" has the meaning assigned by  
8 Section 46.01, Penal Code.

9 (b) The director by rule shall establish minimum standards  
10 for a training course that a first responder who is a license holder  
11 may complete to receive a certification of completion from the  
12 department under this section. The training course must:

13 (1) be administered by a qualified handgun instructor;

14 (2) include not more than 20 hours of instruction;

15 (3) provide classroom training in:

16 (A) self-defense;

17 (B) de-escalation techniques;

18 (C) tactical thinking relating to cover for and  
19 concealment of the license holder;

20 (D) methods to conceal a handgun and methods to  
21 ensure the secure carrying of a concealed handgun;

22 (E) the use of restraint holsters and methods to  
23 ensure the secure carrying of an openly carried handgun; and

24 (F) consequences of improper use of a handgun;

25 (4) provide field instruction in the use of handguns,  
26 including:

27 (A) instinctive or reactive shooting;

1           (B) tactical shooting;

2           (C) shooting while moving; and

3           (D) shooting in low light conditions;

4           (5) require physical demonstrations of proficiency in  
5 techniques learned in training; and

6           (6) provide procedures for securing and storing a  
7 handgun if the first responder, while on duty, is required to enter  
8 a location where carrying the handgun is prohibited by federal law  
9 or otherwise.

10          (c) A first responder is responsible for paying to the  
11 course provider the costs of the training course under this  
12 section.

13          (d) The director by rule shall approve devices to enable a  
14 first responder to secure and store a handgun if the first  
15 responder, while on duty, is required to enter a location where  
16 carrying the handgun is prohibited by federal law or otherwise.

17          (e) The department shall issue a certificate of completion  
18 to a first responder who completes the training course described by  
19 Subsection (b).

20          (f) A governmental entity that employs or otherwise  
21 supervises first responders may not adopt a rule or regulation that  
22 prohibits a first responder who holds a license to carry a handgun  
23 under this subchapter and who has received a certificate of  
24 completion from the department under Subsection (e) from:

25                 (1) carrying a concealed or holstered handgun while on  
26 duty; or

27                 (2) storing a handgun on the premises of or in a

1 vehicle owned or operated by the governmental entity if the handgun  
2 is secured with a device approved by the department under  
3 Subsection (d).

4 (g) A first responder may discharge a handgun while on duty  
5 only in self-defense.

6 (h) This section does not create a cause of action or  
7 liability.

8 (i) A governmental entity that employs or otherwise  
9 supervises first responders is not liable in a civil action arising  
10 from the discharge of a handgun by a first responder who is licensed  
11 to carry a handgun under this subchapter.

12 (j) The discharge of a handgun by a first responder who is  
13 licensed to carry a handgun under this subchapter is outside the  
14 course and scope of the first responder's duties.

15 (k) This section may not be construed to waive, under  
16 Chapter 101, Civil Practice and Remedies Code, or any other law,  
17 immunity from suit or liability of a governmental entity that  
18 employs or otherwise supervises first responders.

19 SECTION 4. Section 30.06(f), Penal Code, is amended to read  
20 as follows:

21 (f) It is a defense to prosecution under this section that  
22 the license holder is a first responder [~~volunteer emergency~~  
23 ~~services personnel~~], as defined by Section 46.01, who:

24 (1) received a certificate of completion for a  
25 training course under Section 411.184, Government Code, before  
26 engaging in the applicable conduct; and

27 (2) was engaged in the actual discharge of the first

1 responder's duties while carrying the handgun.

2 SECTION 5. Section 30.07(g), Penal Code, is amended to read  
3 as follows:

4 (g) It is a defense to prosecution under this section that  
5 the license holder is a first responder [~~volunteer emergency~~  
6 ~~services personnel~~], as defined by Section 46.01, who:

7 (1) received a certificate of completion for a  
8 training course under Section 411.184, Government Code, before  
9 engaging in the applicable conduct; and

10 (2) was engaged in the actual discharge of the first  
11 responder's duties while carrying the handgun.

12 SECTION 6. Section 46.01(18), Penal Code, is amended to  
13 read as follows:

14 (18) "First responder" means a public safety employee  
15 or volunteer whose duties include responding rapidly to an  
16 emergency. The term includes fire protection personnel, including  
17 ["Volunteer emergency services personnel" includes a] volunteer  
18 firefighters, and emergency medical services personnel, including  
19 [firefighter, an] emergency medical services volunteers  
20 [volunteer] as defined by Section 773.003, Health and Safety Code[  
21 and any individual who, as a volunteer, provides services for the  
22 benefit of the general public during emergency situations]. The  
23 term does not include a peace officer or reserve law enforcement  
24 officer, as those terms are defined by Section 1701.001,  
25 Occupations Code, who is performing law enforcement duties.

26 SECTION 7. Section 46.035(m), Penal Code, is amended to  
27 read as follows:

1 (m) It is a defense to prosecution under Subsections (b) and  
2 (c) that the license holder [~~actor~~] is a first responder who:

3 (1) was carrying the handgun in a concealed manner or  
4 in a shoulder or belt holster;

5 (2) received a certificate of completion for a  
6 training course under Section 411.184, Government Code, before  
7 engaging in the applicable conduct; and

8 (3) was [~~volunteer emergency services personnel~~]  
9 engaged in the actual discharge of the first responder's duties  
10 while carrying the handgun [~~providing emergency services~~].

11 SECTION 8. Section 46.15(a), Penal Code, is amended to read  
12 as follows:

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

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

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

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

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

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

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

7                   (B) authorized to carry a weapon under Section  
8 76.0051, Government Code;

9           (4) an active judicial officer as defined by Section  
10 411.201, Government Code, who is licensed to carry a handgun under  
11 Subchapter H, Chapter 411, Government Code;

12           (5) an honorably retired peace officer or other  
13 qualified retired law enforcement officer, as defined by 18 U.S.C.  
14 Section 926C, who holds a certificate of proficiency issued under  
15 Section 1701.357, Occupations Code, and is carrying a photo  
16 identification that is issued by a federal, state, or local law  
17 enforcement agency, as applicable, and that verifies that the  
18 officer is an honorably retired peace officer or other qualified  
19 retired law enforcement officer;

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

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

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

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

5 (B) engaged in escorting the judicial officer;

6 (9) a juvenile probation officer who is authorized to  
7 carry a firearm under Section 142.006, Human Resources Code; or

8 (10) a first responder who [~~person who is volunteer~~  
9 ~~emergency services personnel if the person is~~]:

10 (A) is carrying the [a] handgun in a concealed  
11 manner or in a shoulder or belt holster;

12 (B) holds a license to carry a handgun under [~~the~~  
13 ~~authority of~~] Subchapter H, Chapter 411, Government Code;

14 (C) received a certificate of completion for a  
15 training course under Section 411.184, Government Code, before  
16 engaging in the applicable conduct; and

17 (D) is [~~(B)~~] engaged in the actual discharge of  
18 the first responder's duties while carrying the handgun [~~providing~~  
19 ~~emergency services~~].

20 SECTION 9. The public safety director of the Department of  
21 Public Safety shall adopt the rules necessary to implement Section  
22 411.184, Government Code, as added by this Act, not later than  
23 December 1, 2021.

24 SECTION 10. A qualified handgun instructor may not offer  
25 the training course described by Section 411.184(b), Government  
26 Code, as added by this Act, before January 1, 2022.

27 SECTION 11. Section 112.001, Civil Practice and Remedies



1 Code, as amended by this Act, applies only to a cause of action that  
2 accrues on or after September 1, 2021. A cause of action that  
3 accrues before September 1, 2021, is governed by the law in effect  
4 immediately before that date, and the former law is continued in  
5 effect for that purpose.

6 SECTION 12. The changes in law made by this Act in amending  
7 Sections 30.06, 30.07, 46.035, and 46.15, Penal Code, apply only to  
8 an offense committed on or after September 1, 2022. An offense  
9 committed before September 1, 2022, is governed by the law in effect  
10 immediately before that date, and the former law is continued in  
11 effect for that purpose. For purposes of this section, an offense  
12 was committed before September 1, 2022, if any element of the  
13 offense occurred before that date.

14 SECTION 13. (a) Except as otherwise provided by Subsection  
15 (b) of this section, this Act takes effect September 1, 2021.

16 (b) Sections 30.06, 30.07, 46.035, and 46.15, Penal Code, as  
17 amended by this Act, take effect September 1, 2022.