

1-1 By: Harris, et al. (Senate Sponsor - Birdwell) H.B. No. 1069  
 1-2 (In the Senate - Received from the House May 10, 2021;  
 1-3 May 10, 2021, read first time and referred to Committee on State  
 1-4 Affairs; May 14, 2021, reported favorably by the following vote:  
 1-5 Yeas 8, Nays 0; May 14, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the carrying of a handgun by certain first responders.  
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-21 SECTION 1. The heading to Section 112.001, Civil Practice  
 1-22 and Remedies Code, is amended to read as follows:  
 1-23 Sec. 112.001. CERTAIN ACTIONS OF FIRST RESPONDERS AND  
 1-24 VOLUNTEER EMERGENCY SERVICES PERSONNEL.  
 1-25 SECTION 2. Sections 112.001(a), (b), and (c), Civil  
 1-26 Practice and Remedies Code, are amended to read as follows:  
 1-27 (a) In this section:  
 1-28 (1) "First responder" and "volunteer emergency  
 1-29 services personnel" have the meanings assigned by Section 46.01,  
 1-30 Penal Code.  
 1-31 (2) "Governmental unit" has the meaning assigned by  
 1-32 Section 101.001.  
 1-33 [~~(2) "Volunteer emergency services personnel" has the~~  
 1-34 ~~meaning assigned by Section 46.01, Penal Code.]~~  
 1-35 (b) A governmental unit is not liable in a civil action  
 1-36 arising from the discharge of a handgun by an individual who is a  
 1-37 first responder or volunteer emergency services personnel and  
 1-38 licensed to carry the handgun under Subchapter H, Chapter 411,  
 1-39 Government Code.  
 1-40 (c) The discharge of a handgun by an individual who is a  
 1-41 first responder or volunteer emergency services personnel and  
 1-42 licensed to carry the handgun under Subchapter H, Chapter 411,  
 1-43 Government Code, is outside the course and scope of the  
 1-44 individual's duties as a first responder or volunteer emergency  
 1-45 services personnel, as applicable.  
 1-46 SECTION 3. Subchapter H, Chapter 411, Government Code, is  
 1-47 amended by adding Section 411.184 to read as follows:  
 1-48 Sec. 411.184. TRAINING COURSE FOR CERTAIN FIRST RESPONDERS.  
 1-49 (a) In this section, "first responder" has the meaning assigned by  
 1-50 Section 46.01, Penal Code.  
 1-51 (b) The director by rule shall establish minimum standards  
 1-52 for an initial training course that a first responder who is a  
 1-53 license holder and who is employed or supervised by a county or  
 1-54 municipality to which Chapter 179, Local Government Code, applies  
 1-55 may complete to receive a certification of completion from the  
 1-56 department under this section. The training course must:  
 1-57 (1) be administered by a qualified handgun instructor;  
 1-58 (2) include not more than 40 hours of instruction;  
 1-59 (3) provide classroom training in:  
 1-60 (A) self-defense;  
 1-61 (B) de-escalation techniques;

2-1 (C) tactical thinking relating to cover for and  
 2-2 concealment of the license holder;  
 2-3 (D) methods to conceal a handgun and methods to  
 2-4 ensure the secure carrying of a concealed handgun;  
 2-5 (E) the use of restraint holsters and methods to  
 2-6 ensure the secure carrying of an openly carried handgun; and  
 2-7 (F) consequences of improper use of a handgun;  
 2-8 (4) provide field instruction in the use of handguns,  
 2-9 including:  
 2-10 (A) instinctive or reactive shooting;  
 2-11 (B) tactical shooting;  
 2-12 (C) shooting while moving; and  
 2-13 (D) shooting in low light conditions;  
 2-14 (5) require physical demonstrations of proficiency in  
 2-15 techniques learned in training; and  
 2-16 (6) provide procedures for securing and storing a  
 2-17 handgun if the first responder, while on duty, is required to enter  
 2-18 a location where carrying the handgun is prohibited by federal law  
 2-19 or otherwise.  
 2-20 (c) The department by rule shall establish minimum  
 2-21 standards for an annual continuing education course that is  
 2-22 administered by a qualified handgun instructor and includes not  
 2-23 more than 10 hours of instruction for a person who has completed the  
 2-24 initial training course described by Subsection (b).  
 2-25 (d) The department shall issue a certificate of completion  
 2-26 to a first responder who is a license holder and who completes the  
 2-27 initial training course under Subsection (b) or the continuing  
 2-28 education course under Subsection (c), as applicable. A  
 2-29 certificate of completion expires on the first anniversary of  
 2-30 issuance.  
 2-31 (e) A first responder is responsible for paying to the  
 2-32 course provider the costs of a training course under this section.  
 2-33 (f) The director by rule shall approve devices to enable a  
 2-34 first responder to secure and store a handgun if the first  
 2-35 responder, while on duty, is required to enter a location where  
 2-36 carrying the handgun is prohibited by federal law or otherwise.  
 2-37 SECTION 4. Subtitle C, Title 5, Local Government Code, is  
 2-38 amended by adding Chapter 179 to read as follows:  
 2-39 CHAPTER 179. AUTHORITY OF CERTAIN FIRST RESPONDERS TO CARRY HANDGUN  
 2-40 SUBCHAPTER A. GENERAL PROVISIONS  
 2-41 Sec. 179.001. DEFINITIONS. In this chapter:  
 2-42 (1) "Department" means the Department of Public Safety  
 2-43 of the State of Texas.  
 2-44 (2) "First responder" has the meaning assigned by  
 2-45 Section 46.01, Penal Code.  
 2-46 (3) "Handgun" has the meaning assigned by Section  
 2-47 46.01, Penal Code.  
 2-48 Sec. 179.002. APPLICABILITY OF CHAPTER. This chapter  
 2-49 applies only to:  
 2-50 (1) a municipality with a population of 30,000 or less  
 2-51 that has not adopted Chapter 174; and  
 2-52 (2) a county with a population of 250,000 or less that  
 2-53 has not adopted Chapter 174.  
 2-54 Sec. 179.003. CONSTRUCTION OF CHAPTER. (a) This chapter  
 2-55 does not create a cause of action or liability.  
 2-56 (b) This chapter may not be construed to waive, under  
 2-57 Chapter 101, Civil Practice and Remedies Code, or any other law, a  
 2-58 municipality's or county's governmental immunity from suit or to  
 2-59 liability.  
 2-60 SUBCHAPTER B. AUTHORITY AND REQUIREMENTS TO CARRY HANDGUN  
 2-61 Sec. 179.051. AUTHORITY OF MUNICIPALITY OR COUNTY TO  
 2-62 PROHIBIT OR REGULATE CARRYING HANDGUN. (a) A municipality or  
 2-63 county to which this chapter applies and that employs or supervises  
 2-64 first responders may not adopt or enforce an ordinance, order, or  
 2-65 other measure that generally prohibits a first responder who holds  
 2-66 a license to carry a handgun under Subchapter H, Chapter 411,  
 2-67 Government Code, an unexpired certificate of completion from the  
 2-68 department under Section 411.184(d), Government Code, and the  
 2-69 required liability policy under Section 179.053 from:

3-1                   (1) carrying a concealed or holstered handgun while on  
3-2 duty; or

3-3                   (2) storing a handgun on the premises of or in a  
3-4 vehicle owned or leased by the municipality or county if the handgun  
3-5 is secured with a device approved by the department under Section  
3-6 411.184(f), Government Code.

3-7                   (b) This section does not prohibit a municipality or county  
3-8 from adopting an ordinance, order, or other measure that:

3-9                   (1) prohibits a first responder from carrying a  
3-10 handgun while on duty based on the conduct of the first responder;  
3-11 or

3-12                   (2) limits the carrying of a handgun only to the extent  
3-13 necessary to ensure that carrying the handgun does not interfere  
3-14 with the first responder's duties.

3-15                   Sec. 179.052. AUTHORITY OF EMPLOYERS AND SUPERVISORS. (a)  
3-16 A municipal or county department or private entity that employs or  
3-17 supervises first responders providing services for a municipality  
3-18 or county to which this chapter applies may adopt a policy  
3-19 authorizing a first responder who is employed or supervised by the  
3-20 municipal or county department or private entity and who holds a  
3-21 license to carry a handgun under Subchapter H, Chapter 411,  
3-22 Government Code, an unexpired certificate of completion from the  
3-23 department under Section 411.184(d), Government Code, and the  
3-24 required liability policy under Section 179.053 to:

3-25                   (1) carry a concealed or holstered handgun while on  
3-26 duty; or

3-27                   (2) store a handgun on the premises of or in a vehicle  
3-28 owned or leased by the applicable municipality or county, or by the  
3-29 private entity if the handgun is secured with a device approved by  
3-30 the department under Section 411.184(f), Government Code.

3-31                   (b) A first responder employed or supervised by a municipal  
3-32 or county department or private entity may not engage in conduct  
3-33 described by Subsection (a)(1) or (2) unless the municipal or  
3-34 county department or private entity has adopted a policy under  
3-35 Subsection (a) that authorizes that conduct.

3-36                   Sec. 179.053. LIABILITY INSURANCE REQUIRED. A first  
3-37 responder shall maintain liability insurance coverage in an amount  
3-38 of at least \$1 million if:

3-39                   (1) the first responder carries a handgun while on  
3-40 duty; and

3-41                   (2) the handgun is not an essential part of the first  
3-42 responder's duties.

3-43                   Sec. 179.054. STORAGE OF HANDGUN. (a) A first responder  
3-44 who enters a location where carrying a handgun is prohibited by  
3-45 federal law or otherwise shall use a device approved by the  
3-46 department under Section 411.184(f), Government Code, to secure and  
3-47 store the handgun.

3-48                   (b) A first responder is responsible for procuring the  
3-49 device approved by the department under Section 411.184(f),  
3-50 Government Code, or for reimbursing the first responder's employer  
3-51 or supervisor for the use of a device provided by the employer or  
3-52 supervisor.

3-53                   Sec. 179.055. DISCHARGE OF HANDGUN. A first responder may  
3-54 discharge a handgun while on duty only in self-defense.

3-55                   Sec. 179.056. LIMITED LIABILITY. (a) A municipality or  
3-56 county that employs or supervises first responders is not liable in  
3-57 a civil action arising from the discharge of a handgun by a first  
3-58 responder who is licensed to carry the handgun under Subchapter H,  
3-59 Chapter 411, Government Code.

3-60                   (b) The discharge of a handgun by a first responder who is  
3-61 licensed to carry a handgun under Subchapter H, Chapter 411,  
3-62 Government Code, is outside the course and scope of the first  
3-63 responder's duties.

3-64                   Sec. 179.057. COMPLAINTS. A member of the public may submit  
3-65 a complaint to the municipality or county employing or supervising  
3-66 the first responder using the municipality's or county's existing  
3-67 complaint procedure. One or more complaints received with respect  
3-68 to a specific first responder are grounds for prohibiting or  
3-69 limiting that first responder's carrying a handgun while on duty.

4-1 SECTION 5. Section 30.06, Penal Code, is amended by adding  
4-2 Subsection (f-1) to read as follows:

4-3 (f-1) It is a defense to prosecution under this section that  
4-4 the license holder is a first responder, as defined by Section  
4-5 46.01, who:

4-6 (1) holds an unexpired certificate of completion under  
4-7 Section 411.184, Government Code, at the time of engaging in the  
4-8 applicable conduct;

4-9 (2) was engaged in the actual discharge of the first  
4-10 responder's duties while carrying the handgun; and

4-11 (3) was employed or supervised by a municipality or  
4-12 county to which Chapter 179, Local Government Code, applies.

4-13 SECTION 6. Section 30.07, Penal Code, is amended by adding  
4-14 Subsection (g-1) to read as follows:

4-15 (g-1) It is a defense to prosecution under this section that  
4-16 the license holder is a first responder, as defined by Section  
4-17 46.01, who:

4-18 (1) holds an unexpired certificate of completion under  
4-19 Section 411.184, Government Code, at the time of engaging in the  
4-20 applicable conduct;

4-21 (2) was engaged in the actual discharge of the first  
4-22 responder's duties while carrying the handgun; and

4-23 (3) was employed or supervised by a municipality or  
4-24 county to which Chapter 179, Local Government Code, applies.

4-25 SECTION 7. Section 46.01, Penal Code, is amended by adding  
4-26 Subdivision (20) to read as follows:

4-27 (20) "First responder" means a public safety employee  
4-28 whose duties include responding rapidly to an emergency. The term  
4-29 includes fire protection personnel as defined by Section 419.021,  
4-30 Government Code, and emergency medical services personnel as  
4-31 defined by Section 773.003, Health and Safety Code. The term does  
4-32 not include:

4-33 (A) volunteer emergency services personnel;

4-34 (B) an emergency medical services volunteer, as  
4-35 defined by Section 773.003, Health and Safety Code; or

4-36 (C) a peace officer or reserve law enforcement  
4-37 officer, as those terms are defined by Section 1701.001,  
4-38 Occupations Code, who is performing law enforcement duties.

4-39 SECTION 8. Section 46.15, Penal Code, is amended by adding  
4-40 Subsection (m) to read as follows:

4-41 (m) Sections 46.02, 46.03, and 46.035(b) and (c) do not  
4-42 apply to a first responder who:

4-43 (1) was carrying a handgun in a concealed manner or in  
4-44 a shoulder or belt holster;

4-45 (2) holds an unexpired certificate of completion under  
4-46 Section 411.184, Government Code, at the time of engaging in the  
4-47 applicable conduct;

4-48 (3) was engaged in the actual discharge of the first  
4-49 responder's duties while carrying the handgun; and

4-50 (4) was employed or supervised by a municipality or  
4-51 county to which Chapter 179, Local Government Code, applies.

4-52 SECTION 9. The public safety director of the Department of  
4-53 Public Safety shall adopt the rules necessary to implement Section  
4-54 411.184, Government Code, as added by this Act, not later than  
4-55 December 1, 2021.

4-56 SECTION 10. A qualified handgun instructor may not offer  
4-57 the training course described by Section 411.184(b), Government  
4-58 Code, as added by this Act, before January 1, 2022.

4-59 SECTION 11. Section 112.001, Civil Practice and Remedies  
4-60 Code, as amended by this Act, applies only to a cause of action that  
4-61 accrues on or after September 1, 2021. A cause of action that  
4-62 accrues before September 1, 2021, is governed by the law in effect  
4-63 immediately before that date, and the former law is continued in  
4-64 effect for that purpose.

4-65 SECTION 12. The changes in law made by this Act in amending  
4-66 Sections 30.06, 30.07, and 46.15, Penal Code, apply only to an  
4-67 offense committed on or after the effective date of this Act. An  
4-68 offense committed before the effective date of this Act is governed  
4-69 by the law in effect on the date the offense was committed, and the

5-1 former law is continued in effect for that purpose. For purposes of  
5-2 this section, an offense was committed before the effective date of  
5-3 this Act if any element of the offense occurred before that date.  
5-4 SECTION 13. This Act takes effect September 1, 2021.

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