

By: King of Hemphill, Springer, Burns

H.B. No. 353

Substitute the following for H.B. No. 353:

By: Phillips

C.S.H.B. No. 353

A BILL TO BE ENTITLED

AN ACT

relating to the application of certain weapons laws to and liability for certain actions of volunteer emergency services personnel licensed to carry a concealed handgun.

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

SECTION 1. Subchapter C, Chapter 101, Civil Practice and Remedies Code, is amended by adding Section 101.068 to read as follows:

Sec. 101.068. CERTAIN ACTIONS OF VOLUNTEER EMERGENCY SERVICES PERSONNEL. This chapter does not apply to a claim arising from the discharge of a handgun by an individual who is volunteer emergency services personnel as defined by Section 46.01, Penal Code, and licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code.

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

(f) It is a defense to prosecution under this section that the license holder is volunteer emergency services personnel, as defined by Section 46.01.

SECTION 3. Section 46.01, Penal Code, is amended by adding Subdivision (18) to read as follows:

(18) "Volunteer emergency services personnel" includes a volunteer firefighter, an emergency medical services volunteer as defined by Section 773.003, Health and Safety Code,

1 and other individuals who, as a volunteer, provide services for the
2 benefit of the general public during emergency situations.

3 SECTION 4. Section 46.035, Penal Code, is amended by adding
4 Subsection (1) to read as follows:

5 (1) It is a defense to prosecution under Subsections (b) and
6 (c) that the actor is volunteer emergency services personnel
7 engaged in providing emergency services.

8 SECTION 5. Section 46.15(a), Penal Code, is amended to read
9 as follows:

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

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

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

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

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

25 (3) community supervision and corrections department
26 officers appointed or employed under Section 76.004, Government
27 Code, and neither section prohibits an officer from carrying a

1 weapon in this state if the officer is:

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

4 (B) authorized to carry a weapon under Section
5 [76.0051](#), Government Code;

6 (4) an active judicial officer as defined by Section
7 [411.201](#), Government Code, who is licensed to carry a concealed
8 handgun under Subchapter H, Chapter 411, Government Code;

9 (5) an honorably retired peace officer, qualified
10 retired law enforcement officer, federal criminal investigator, or
11 former reserve law enforcement officer who holds a certificate of
12 proficiency issued under Section [1701.357](#), Occupations Code, and is
13 carrying a photo identification that is issued by a federal, state,
14 or local law enforcement agency, as applicable, and that verifies
15 that the officer is:

16 (A) an honorably retired peace officer;

17 (B) a qualified retired law enforcement officer;

18 (C) a federal criminal investigator; or

19 (D) a former reserve law enforcement officer who
20 has served in that capacity not less than a total of 15 years with
21 one or more state or local law enforcement agencies;

22 (6) a district attorney, criminal district attorney,
23 county attorney, or municipal attorney who is licensed to carry a
24 concealed handgun under Subchapter H, Chapter 411, Government Code;

25 (7) an assistant district attorney, assistant
26 criminal district attorney, or assistant county attorney who is
27 licensed to carry a concealed handgun under Subchapter H, Chapter

1 411, Government Code;

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

4 (A) licensed to carry a concealed handgun under
5 Chapter 411, Government Code; and

6 (B) engaged in escorting the judicial officer;
7 ~~[or]~~

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

10 (10) a person who is volunteer emergency services
11 personnel if the person is:

12 (A) licensed to carry a concealed handgun under
13 Subchapter H, Chapter 411, Government Code; and

14 (B) engaged in providing emergency services.

15 SECTION 6. The changes in law made by this Act to Section
16 30.06 and Chapter 46, Penal Code, apply only to an offense committed
17 on or after the effective date of this Act. An offense committed
18 before the effective date of this Act is governed by the law in
19 effect when the offense was committed, and the former law is
20 continued in effect for that purpose. For purposes of this section,
21 an offense was committed before the effective date of this Act if
22 any element of the offense occurred before that date.

23 SECTION 7. This Act takes effect September 1, 2015.