

By: Huffines

S.B. No. 1684

A BILL TO BE ENTITLED

1 AN ACT
2 relating to authorizing certain first responders to carry a
3 concealed handgun while on duty and to the prosecution of certain
4 related offenses; providing for a fee.

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

6 SECTION 1. Section [411.179\(a\)](#), Government Code, as amended
7 by Chapters 396 (S.B. 164) and 1302 (H.B. 3142), Acts of the 83rd
8 Legislature, Regular Session, 2013, is reenacted and amended to
9 read as follows:

10 (a) The department by rule shall adopt the form of the
11 license. A license must include:

12 (1) a number assigned to the license holder by the
13 department;

14 (2) a statement of the period for which the license is
15 effective;

16 (3) a color photograph of the license holder;

17 (4) the license holder's full name, date of birth, hair
18 and eye color, height, weight, and signature;

19 (5) the license holder's residence address or, as
20 provided by Subsection (d), the street address of the courthouse in
21 which the license holder or license holder's spouse serves as a
22 federal judge or the license holder serves as a state judge;

23 (6) the number of a driver's license or an
24 identification certificate issued to the license holder by the

1 department; ~~and~~

2 (7) ~~(8)~~ the designation "VETERAN" if required under
3 Subsection (e); and

4 (8) a designation for an on-duty first responder to
5 carry a concealed handgun, if the license holder received that
6 designation under Section 411.184.

7 SECTION 2. Subchapter H, Chapter 411, Government Code, is
8 amended by adding Section 411.184 to read as follows:

9 Sec. 411.184. ON-DUTY FIRST RESPONDER DESIGNATION. (a) In
10 this section, "first responder" means a public safety employee or
11 volunteer whose duties include responding rapidly to an emergency.
12 The term includes:

13 (1) commissioned law enforcement personnel;

14 (2) fire protection personnel, including volunteer
15 firefighters; and

16 (3) emergency medical services personnel, including
17 an emergency medical services volunteer.

18 (b) A first responder is eligible for an on-duty first
19 responder designation on the first responder's license to carry a
20 concealed handgun under this subchapter if the first responder
21 submits to the department:

22 (1) on a form provided by the department, a completed
23 application for the designation;

24 (2) evidence that the license holder:

25 (A) is a first responder; and

26 (B) has successfully completed a course
27 described by Subsection (d); and

1 (3) the fee set by the director under Subsection (c).

2 (c) The director by rule shall:

3 (1) adopt an application form to be used to apply for a
4 designation under this section; and

5 (2) set a fee in an amount sufficient to cover the cost
6 of issuing licenses bearing a designation under this section.

7 (d) The director by rule shall establish minimum standards
8 for a training course for license holders seeking an on-duty first
9 responder designation, to be taken at the license holders' expense.

10 The training course must:

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

12 (2) include not less than 40 hours of instruction;

13 (3) provide classroom training in:

14 (A) de-escalation techniques;

15 (B) tactical thinking relating to cover for and
16 concealment of the license holder and the handgun; and

17 (C) consequences of improper use of a handgun;

18 (4) provide field instruction in the use of handguns,
19 including:

20 (A) instinctive or reactive shooting;

21 (B) tactical shooting;

22 (C) shooting while moving; and

23 (D) shooting in low light conditions; and

24 (5) require physical demonstrations of proficiency in
25 techniques learned in training.

26 (e) The department may grant a designation under this
27 section to a license holder who meets all the eligibility

1 requirements and submits the required application materials and fee
2 under Subsection (b). Not later than the 45th day after the date of
3 receipt of the application materials and fee, the department shall
4 issue the license with the designation or notify the license holder
5 in writing that the application for the designation was denied.

6 (f) On receipt of a license with a designation under this
7 section, the license holder shall return to the department any
8 license that was previously issued to the license holder.

9 (g) A license holder whose fee to apply for a designation
10 under this section is dishonored or reversed may reapply for the
11 designation at any time, provided the fee and an additional charge
12 of \$25 is paid by cashier's check or money order made payable to the
13 "Texas Department of Public Safety."

14 (h) A license holder who becomes ineligible for the
15 designation under this section because the license holder is no
16 longer employed or volunteering as a first responder promptly shall
17 notify the department. Not later than the 30th day after the date
18 of receipt of the notice, the department shall issue a license
19 without the designation to the license holder. The department may
20 not charge a fee for the issuance of a license as provided by this
21 subsection. A license holder who is no longer eligible for a
22 designation under this section:

23 (1) is not entitled to carry a concealed handgun in a
24 location in which the license holder was allowed to carry the
25 handgun only by virtue of the designation; and

26 (2) on receipt of the license without the designation,
27 promptly shall return the license with the designation to the

1 department.

2 (i) A designation under this section does not limit the
3 right of a first responder to carry a handgun or other weapon under
4 other law.

5 (j) The director by rule shall approve devices to enable a
6 first responder to secure a handgun if the first responder, while on
7 duty, is required to enter a location where carrying the handgun is
8 prohibited by federal law or otherwise.

9 (k) A governmental entity that employs or otherwise
10 supervises first responders may not adopt a rule or regulation that
11 prohibits a first responder who holds a license bearing a
12 designation under this section from:

- 13 (1) carrying a concealed handgun while on duty; or
14 (2) storing a handgun on the premises of or in a
15 vehicle owned or operated by the governmental entity if the handgun
16 is secured with a device approved by the department under
17 Subsection (j).

18 (l) This section does not:

- 19 (1) create a cause of action or liability; or
20 (2) preclude any existing cause of action.

21 SECTION 3. Section 46.035(h-1), Penal Code, as added by
22 Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular
23 Session, 2007, is amended to read as follows:

24 (h-1) It is a defense to prosecution under Subsections
25 (b)(1), (2), (4), (5), and (6) [~~(4)-(6)~~] and (c) that at the time
26 of the commission of the offense, the actor was:

- 27 (1) a judge or justice of a federal court;

1 (2) an active judicial officer, as defined by Section
2 [411.201](#), Government Code; ~~[or]~~

3 (3) a district attorney, assistant district attorney,
4 criminal district attorney, assistant criminal district attorney,
5 county attorney, or assistant county attorney; or

6 (4) a first responder who:

7 (A) is carrying a concealed handgun and holds a
8 license to carry a concealed handgun under Subchapter H, Chapter
9 411, Government Code, that bears an on-duty first responder
10 designation under Section 411.184 of that code; and

11 (B) is engaged in the actual discharge of the
12 first responder's duties while carrying the concealed handgun.

13 SECTION 4. Section [46.15](#)(a), Penal Code, is amended to read
14 as follows:

15 (a) Sections [46.02](#) and [46.03](#) do not apply to:

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

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

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

27 (B) in compliance with policies and procedures

1 adopted by the Texas Department of Criminal Justice regarding the
2 possession of a weapon by an officer while on duty;

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

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

9 (B) authorized to carry a weapon under Section
10 76.0051, Government Code;

11 (4) an active judicial officer as defined by Section
12 411.201, Government Code, who is licensed to carry a concealed
13 handgun under Subchapter H, Chapter 411, Government Code;

14 (5) an honorably retired peace officer, qualified
15 retired law enforcement officer, federal criminal investigator, or
16 former reserve law enforcement officer who holds a certificate of
17 proficiency issued under Section 1701.357, Occupations Code, and is
18 carrying a photo identification that is issued by a federal, state,
19 or local law enforcement agency, as applicable, and that verifies
20 that the officer is:

21 (A) an honorably retired peace officer;

22 (B) a qualified retired law enforcement officer;

23 (C) a federal criminal investigator; or

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

27 (6) a district attorney, criminal district attorney,

1 county attorney, or municipal attorney who is licensed to carry a
2 concealed handgun under Subchapter H, Chapter 411, Government Code;

3 (7) an assistant district attorney, assistant
4 criminal district attorney, or assistant county attorney who is
5 licensed to carry a concealed handgun under Subchapter H, Chapter
6 411, Government Code;

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

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

11 (B) engaged in escorting the judicial officer;
12 [~~or~~]

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

15 (10) a first responder who:

16 (A) is carrying a concealed handgun and holds a
17 license to carry a concealed handgun under Subchapter H, Chapter
18 411, Government Code, that bears an on-duty first responder
19 designation under Section 411.184 of that code; and

20 (B) is engaged in the actual discharge of the
21 first responder's duties while carrying the concealed handgun.

22 SECTION 5. The public safety director of the Department of
23 Public Safety shall adopt the rules necessary to implement Section
24 411.184, Government Code, as added by this Act, not later than
25 December 1, 2015.

26 SECTION 6. The change in law made by this Act applies only
27 to an offense committed on or after the effective date of this Act.

1 An offense committed before the effective date of this Act is
2 governed by the law in effect on the date the offense was committed,
3 and the former law is continued in effect for that purpose. For
4 purposes of this section, an offense was committed before the
5 effective date of this Act if any element of the offense occurred
6 before that date.

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