

1-1 By: Huffines S.B. No. 1684
 1-2 (In the Senate - Filed March 13, 2015; March 23, 2015, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 May 21, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 1; May 21, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
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	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1684 By: Huffman

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to authorizing certain first responders to carry a
 1-22 concealed handgun while on duty and to the prosecution of certain
 1-23 related criminal offenses; providing for a fee.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 411.179(a), Government Code, as amended
 1-26 by Chapters 396 (S.B. 164) and 1302 (H.B. 3142), Acts of the 83rd
 1-27 Legislature, Regular Session, 2013, is reenacted and amended to
 1-28 read as follows:

1-29 (a) The department by rule shall adopt the form of the
 1-30 license. A license must include:

1-31 (1) a number assigned to the license holder by the
 1-32 department;

1-33 (2) a statement of the period for which the license is
 1-34 effective;

1-35 (3) a color photograph of the license holder;

1-36 (4) the license holder's full name, date of birth, hair
 1-37 and eye color, height, weight, and signature;

1-38 (5) the license holder's residence address or, as
 1-39 provided by Subsection (d), the street address of the courthouse in
 1-40 which the license holder or license holder's spouse serves as a
 1-41 federal judge or the license holder serves as a state judge;

1-42 (6) the number of a driver's license or an
 1-43 identification certificate issued to the license holder by the
 1-44 department; ~~and~~

1-45 (7) ~~(8)~~ the designation "VETERAN" if required under
 1-46 Subsection (e); and

1-47 (8) a designation for an on-duty first responder to
 1-48 carry a concealed handgun, if the license holder received that
 1-49 designation under Section 411.184.

1-50 SECTION 2. Subchapter H, Chapter 411, Government Code, is
 1-51 amended by adding Section 411.184 to read as follows:

1-52 Sec. 411.184. ON-DUTY FIRST RESPONDER DESIGNATION. (a) In
 1-53 this section, "first responder" means a public safety employee or
 1-54 volunteer whose duties include responding rapidly to an emergency.
 1-55 The term includes fire protection personnel, including volunteer
 1-56 firefighters, and emergency medical services personnel, including
 1-57 emergency medical services volunteers, but does not include
 1-58 commissioned law enforcement personnel.

1-59 (b) A first responder is eligible for an on-duty first
 1-60 responder designation on the first responder's license to carry a

- 2-1 concealed handgun under this subchapter if the first responder
 2-2 submits to the department:
- 2-3 (1) on a form provided by the department, a completed
 2-4 application for the designation;
- 2-5 (2) evidence that the license holder:
 2-6 (A) is a first responder; and
 2-7 (B) has successfully completed a course
 2-8 described by Subsection (d); and
 2-9 (3) the fee set by the director under Subsection (c).
- 2-10 (c) The director by rule shall:
- 2-11 (1) adopt an application form to be used to apply for a
 2-12 designation under this section; and
- 2-13 (2) set a fee in an amount sufficient to cover the cost
 2-14 of issuing licenses bearing a designation under this section.
- 2-15 (d) The director by rule shall establish minimum standards
 2-16 for a training course for license holders seeking an on-duty first
 2-17 responder designation, to be taken at the license holders' expense.
 2-18 The training course must:
- 2-19 (1) be administered by a qualified handgun instructor;
 2-20 (2) include not less than 40 hours of instruction;
 2-21 (3) provide classroom training in:
 2-22 (A) de-escalation techniques;
 2-23 (B) tactical thinking relating to cover for and
 2-24 concealment of the license holder and the handgun; and
 2-25 (C) consequences of improper use of a handgun;
 2-26 (4) provide field instruction in the use of handguns,
 2-27 including:
 2-28 (A) instinctive or reactive shooting;
 2-29 (B) tactical shooting;
 2-30 (C) shooting while moving; and
 2-31 (D) shooting in low light conditions; and
 2-32 (5) require physical demonstrations of proficiency in
 2-33 techniques learned in training.
- 2-34 (e) The department may grant a designation under this
 2-35 section to a license holder who meets all the eligibility
 2-36 requirements and submits the required application materials and fee
 2-37 under Subsection (b). Not later than the 60th day after the date of
 2-38 receipt of the application materials and fee, the department shall
 2-39 issue the license with the designation or notify the license holder
 2-40 in writing that the application for the designation was denied.
- 2-41 (f) On receipt of a license with a designation under this
 2-42 section, the license holder shall return to the department any
 2-43 license that was previously issued to the license holder.
- 2-44 (g) A license holder whose fee to apply for a designation
 2-45 under this section is dishonored or reversed may reapply for the
 2-46 designation at any time, provided the fee and an additional charge
 2-47 of \$25 are paid by cashier's check or money order made payable to
 2-48 the "Texas Department of Public Safety."
- 2-49 (h) A license holder who becomes ineligible for the
 2-50 designation under this section because the license holder is no
 2-51 longer employed or volunteering as a first responder promptly shall
 2-52 notify the department. Not later than the 30th day after the date
 2-53 of receipt of the notice, the department shall issue a license
 2-54 without the designation to the license holder. A license holder who
 2-55 is no longer eligible for a designation under this section:
- 2-56 (1) is not entitled to carry a concealed handgun in a
 2-57 location in which the license holder was allowed to carry the
 2-58 handgun only by virtue of the designation; and
 2-59 (2) on receipt of the license without the designation,
 2-60 promptly shall return the license with the designation to the
 2-61 department.
- 2-62 (i) A designation under this section does not limit the
 2-63 right of a first responder to carry a handgun or other weapon under
 2-64 other law.
- 2-65 (j) The director by rule shall approve devices to enable a
 2-66 first responder to secure a handgun if the first responder, while on
 2-67 duty, is required to enter a location where carrying the handgun is
 2-68 prohibited by federal law or otherwise.
- 2-69 (k) A governmental entity that employs or otherwise

3-1 supervises first responders may not adopt a rule or regulation that
3-2 prohibits a first responder who holds a license bearing a
3-3 designation under this section from:

- 3-4 (1) carrying a concealed handgun while on duty; or
- 3-5 (2) storing a handgun on the premises of or in a
3-6 vehicle owned or operated by the governmental entity if the handgun
3-7 is secured with a device approved by the department under
3-8 Subsection (j).

3-9 (l) This section does not create a cause of action or
3-10 liability.

3-11 (m) A governmental entity that employs or otherwise
3-12 supervises first responders is not liable in a civil action arising
3-13 from the discharge of a handgun by a first responder who is licensed
3-14 to carry a concealed handgun under this subchapter.

3-15 (n) The discharge of a handgun by a first responder who is
3-16 licensed to carry a concealed handgun under this subchapter is
3-17 outside the course and scope of the first responder's duties.

3-18 (o) This section may not be construed to waive the immunity
3-19 from suit or liability of a governmental entity that employs or
3-20 otherwise supervises first responders under Chapter 101, Civil
3-21 Practice and Remedies Code, or any other law.

3-22 SECTION 3. Section 46.035(h-1), Penal Code, as added by
3-23 Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular
3-24 Session, 2007, is amended to read as follows:

3-25 (h-1) It is a defense to prosecution under Subsections
3-26 (b)(1), (2), (4), (5), and (6) [~~(4)-(6)~~] and (c) that at the time
3-27 of the commission of the offense, the actor was:

- 3-28 (1) a judge or justice of a federal court;
- 3-29 (2) an active judicial officer, as defined by Section
3-30 411.201, Government Code; [~~or~~]

3-31 (3) a district attorney, assistant district attorney,
3-32 criminal district attorney, assistant criminal district attorney,
3-33 county attorney, or assistant county attorney; or

- 3-34 (4) a first responder who:
- 3-35 (A) is carrying a concealed handgun and holds a
3-36 license to carry a concealed handgun under Subchapter H, Chapter
3-37 411, Government Code, that bears an on-duty first responder
3-38 designation under Section 411.184 of that code; and
- 3-39 (B) is engaged in the actual discharge of the
3-40 first responder's duties while carrying the concealed handgun.

3-41 SECTION 4. Section 46.15(a), Penal Code, is amended to read
3-42 as follows:

3-43 (a) Sections 46.02 and 46.03 do not apply to:

3-44 (1) peace officers or special investigators under
3-45 Article 2.122, Code of Criminal Procedure, and neither section
3-46 prohibits a peace officer or special investigator from carrying a
3-47 weapon in this state, including in an establishment in this state
3-48 serving the public, regardless of whether the peace officer or
3-49 special investigator is engaged in the actual discharge of the
3-50 officer's or investigator's duties while carrying the weapon;

3-51 (2) parole officers and neither section prohibits an
3-52 officer from carrying a weapon in this state if the officer is:

3-53 (A) engaged in the actual discharge of the
3-54 officer's duties while carrying the weapon; and

3-55 (B) in compliance with policies and procedures
3-56 adopted by the Texas Department of Criminal Justice regarding the
3-57 possession of a weapon by an officer while on duty;

3-58 (3) community supervision and corrections department
3-59 officers appointed or employed under Section 76.004, Government
3-60 Code, and neither section prohibits an officer from carrying a
3-61 weapon in this state if the officer is:

3-62 (A) engaged in the actual discharge of the
3-63 officer's duties while carrying the weapon; and

3-64 (B) authorized to carry a weapon under Section
3-65 76.0051, Government Code;

3-66 (4) an active judicial officer as defined by Section
3-67 411.201, Government Code, who is licensed to carry a concealed
3-68 handgun under Subchapter H, Chapter 411, Government Code;

3-69 (5) an honorably retired peace officer, qualified

4-1 retired law enforcement officer, federal criminal investigator, or
4-2 former reserve law enforcement officer who holds a certificate of
4-3 proficiency issued under Section 1701.357, Occupations Code, and is
4-4 carrying a photo identification that is issued by a federal, state,
4-5 or local law enforcement agency, as applicable, and that verifies
4-6 that the officer is:

- 4-7 (A) an honorably retired peace officer;
- 4-8 (B) a qualified retired law enforcement officer;
- 4-9 (C) a federal criminal investigator; or
- 4-10 (D) a former reserve law enforcement officer who
- 4-11 has served in that capacity not less than a total of 15 years with
- 4-12 one or more state or local law enforcement agencies;

4-13 (6) a district attorney, criminal district attorney,
4-14 county attorney, or municipal attorney who is licensed to carry a
4-15 concealed handgun under Subchapter H, Chapter 411, Government Code;

4-16 (7) an assistant district attorney, assistant
4-17 criminal district attorney, or assistant county attorney who is
4-18 licensed to carry a concealed handgun under Subchapter H, Chapter
4-19 411, Government Code;

4-20 (8) a bailiff designated by an active judicial officer
4-21 as defined by Section 411.201, Government Code, who is:

- 4-22 (A) licensed to carry a concealed handgun under
- 4-23 Chapter 411, Government Code; and

4-24 (B) engaged in escorting the judicial officer;
4-25 [~~or~~]

4-26 (9) a juvenile probation officer who is authorized to
4-27 carry a firearm under Section 142.006, Human Resources Code; or

4-28 (10) a first responder who:

4-29 (A) is carrying a concealed handgun and holds a
4-30 license to carry a concealed handgun under Subchapter H, Chapter
4-31 411, Government Code, that bears an on-duty first responder
4-32 designation under Section 411.184 of that code; and

4-33 (B) is engaged in the actual discharge of the
4-34 first responder's duties while carrying the concealed handgun.

4-35 SECTION 5. The public safety director of the Department of
4-36 Public Safety shall adopt the rules necessary to implement Section
4-37 411.184, Government Code, as added by this Act, not later than
4-38 December 1, 2015.

4-39 SECTION 6. (a) A qualified handgun instructor may not
4-40 offer the training course described by Section 411.184(d),
4-41 Government Code, as added by this Act, before January 1, 2016.

4-42 (b) The Department of Public Safety may not accept an
4-43 application for or grant a designation under Section 411.184,
4-44 Government Code, as added by this Act, before January 1, 2016.

4-45 SECTION 7. The change in law made by this Act in amending
4-46 Sections 46.035 and 46.15, Penal Code, applies only to an offense
4-47 committed on or after January 1, 2016. An offense committed before
4-48 January 1, 2016, is governed by the law in effect on the date the
4-49 offense was committed, and the former law is continued in effect for
4-50 that purpose. For purposes of this section, an offense was
4-51 committed before January 1, 2016, if any element of the offense
4-52 occurred before that date.

4-53 SECTION 8. To the extent of any conflict, this Act prevails
4-54 over another Act of the 84th Legislature, Regular Session, 2015,
4-55 relating to nonsubstantive additions to and corrections in enacted
4-56 codes.

4-57 SECTION 9. This Act takes effect September 1, 2015.

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