

## **BILL ANALYSIS**

H.B. 435  
By: King, Ken  
Homeland Security & Public Safety  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerned parties maintain that volunteer emergency services personnel who carry handguns may be required to remove their handguns before they are allowed on certain premises to perform their duties, a situation that could result in dangerous delays in the rendering of emergency services. H.B. 435 seeks to address this issue by providing certain legal protections to volunteer emergency services personnel who carry their licensed handguns while engaged in providing emergency services.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 435 amends the Penal Code to exempt a person who is volunteer emergency services personnel engaged in providing emergency services and carrying a handgun that the person is licensed to carry from the application of the offense of unlawful carrying of a weapon and the offense of possessing or going with a prohibited weapon in a place where weapons are prohibited. The bill establishes as a defense to prosecution for the offenses of trespass by a handgun license holder with a concealed handgun and trespass by a handgun license holder with an openly carried handgun that the license holder is volunteer emergency services personnel and establishes as a defense to prosecution for conduct involving the unlawful carrying of a handgun by a handgun license holder on certain premises that the actor is volunteer emergency services personnel engaged in providing emergency services. The bill specifies that "volunteer emergency services personnel" includes a volunteer firefighter, an emergency medical services volunteer, and any individual who, as a volunteer, provides services for the benefit of the general public during emergency situations, but does not include a peace officer or reserve law enforcement officer performing law enforcement duties.

H.B. 435 amends the Civil Practice and Remedies Code to exempt a governmental unit from liability in a civil action arising from the discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun. The bill establishes that the discharge of a handgun by such an individual is outside the course and scope of the individual's duties as volunteer emergency services personnel. The bill prohibits these provisions from being construed to waive the immunity from suit or liability of a governmental unit under the Texas Tort Claims Act or any other law.

**EFFECTIVE DATE**

September 1, 2017.