

By: Holland

H.B. No. 3784

A BILL TO BE ENTITLED

AN ACT

relating to persons approved by the Department of Public Safety to offer an online course for the classroom portion of handgun proficiency instruction.

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

SECTION 1. Section 411.171, Government Code, is amended by adding Subdivision (1) to read as follows:

(1) "Approved online course provider" means a person who is certified by the department to offer in an online format the classroom instruction part of the handgun proficiency course and administer the associated written exam.

SECTION 2. Section 411.188, Government Code, is amended by amending Subsections (b), (d), (g), and (i) and adding Subsections (c), (e), and (j) to read as follows:

(b) Only qualified handgun instructors may administer the range instruction part of the handgun proficiency course. A qualified handgun instructor or approved online course provider may administer the classroom instruction part ~~[or the range instruction part]~~ of the handgun proficiency course. Except as provided by Subsection (c), the ~~[The]~~ classroom instruction part of the course must include not less than four hours and not more than six hours of instruction on:

(1) the laws that relate to weapons and to the use of deadly force;

1 (2) handgun use and safety, including use of restraint
2 holsters and methods to ensure the secure carrying of openly
3 carried handguns;

4 (3) nonviolent dispute resolution; and

5 (4) proper storage practices for handguns with an
6 emphasis on storage practices that eliminate the possibility of
7 accidental injury to a child.

8 (c) An approved online course provider shall administer the
9 classroom instruction part of the handgun proficiency course in an
10 online format. A course administered online must include at least
11 six hours of instruction.

12 (d) Except as provided by Subsection (e), only ~~[Only]~~ a
13 qualified handgun instructor may administer the proficiency
14 examination to obtain a license. The proficiency examination must
15 include:

16 (1) a written section on the subjects listed in
17 Subsection (b); and

18 (2) a physical demonstration of proficiency in the use
19 of one or more handguns and in handgun safety procedures.

20 (e) An approved online course provider may administer
21 online the written portion of the proficiency examination described
22 by Subsection (d)(1) through a secure portal.

23 (g) A person who wishes to obtain a license to carry a
24 handgun must apply in person to a qualified handgun instructor to
25 take the range instruction ~~[appropriate]~~ course in handgun
26 proficiency and demonstrate handgun proficiency as required by the
27 department. A person may apply in person to a qualified handgun

1 instructor or online to an approved online course provider, as
2 applicable, to take the classroom instruction part of the handgun
3 proficiency course.

4 (i) A certified firearms instructor of the department may
5 monitor any class or training presented by a qualified handgun
6 instructor. A qualified handgun instructor shall cooperate with
7 the department in the department's efforts to monitor the
8 presentation of training by the qualified handgun instructor.

9 (j) A qualified handgun instructor or approved online
10 course provider shall make available for inspection to the
11 department any and all records maintained by the [~~a qualified~~
12 ~~handgun~~] instructor or course provider under this subchapter. The
13 qualified handgun instructor or approved online course provider
14 shall keep a record of all information required by department rule.

15 SECTION 3. The heading to Section 411.190, Government Code,
16 is amended to read as follows:

17 Sec. 411.190. QUALIFIED HANDGUN INSTRUCTORS AND APPROVED
18 ONLINE COURSE PROVIDERS.

19 SECTION 4. Section 411.190, Government Code, is amended by
20 adding Subsection (a-1) and amending Subsections (b), (c), (d),
21 (e), and (f) to read as follows:

22 (a-1) The director may certify as an approved online course
23 provider a person who:

24 (1) has at least three years of experience in
25 providing online instruction;

26 (2) has experience working with governmental
27 entities; and

1 (3) has direct knowledge of handgun training.

2 (b) In addition to the qualifications described by
3 Subsection (a) or (a-1), as appropriate, a qualified handgun
4 instructor or approved online course provider must be qualified to
5 instruct persons in:

6 (1) the laws that relate to weapons and to the use of
7 deadly force;

8 (2) handgun use, proficiency, and safety, including
9 use of restraint holsters and methods to ensure the secure carrying
10 of openly carried handguns;

11 (3) nonviolent dispute resolution; and

12 (4) proper storage practices for handguns, including
13 storage practices that eliminate the possibility of accidental
14 injury to a child.

15 (c) In the manner applicable to a person who applies for a
16 license to carry a handgun, the department shall conduct a
17 background check of a person who applies for certification as a
18 qualified handgun instructor or approved online course provider.

19 If the background check indicates that the applicant for
20 certification would not qualify to receive a handgun license, the
21 department may not certify the applicant as a qualified handgun
22 instructor or approved online course provider. If the background
23 check indicates that the applicant for certification would qualify
24 to receive a handgun license, the department shall provide handgun
25 instructor or online course provider training to the
26 applicant. The applicant shall pay a fee of \$100 to the department
27 for the training. The applicant must take and successfully

1 complete the training offered by the department and pay the
2 training fee before the department may certify the applicant as a
3 qualified handgun instructor or approved online course
4 provider. The department shall issue a license to carry a handgun
5 under the authority of this subchapter to any person who is
6 certified as a qualified handgun instructor or approved online
7 course provider and who pays to the department a fee of \$100 in
8 addition to the training fee. The department by rule may prorate
9 or waive the training fee for an employee of another governmental
10 entity.

11 (d) The certification of a qualified handgun instructor or
12 approved online course provider expires on the second anniversary
13 after the date of certification. To renew a certification, the
14 qualified handgun instructor or approved online course provider
15 must pay a fee of \$100 and take and successfully complete the
16 retraining courses required by department rule.

17 (e) After certification, a qualified handgun instructor or
18 approved online course provider may conduct training for applicants
19 for a license under this subchapter.

20 (f) If the department determines that a reason exists to
21 revoke, suspend, or deny a license to carry a handgun with respect
22 to a person who is a qualified handgun instructor or approved online
23 course provider or an applicant for certification as a qualified
24 handgun instructor or approved online course provider, the
25 department shall take that action against the person's:

26 (1) license to carry a handgun if the person is an
27 applicant for or the holder of a license issued under this

subchapter; and

(2) certification as a qualified handgun instructor or approved online course provider.

SECTION 5. The heading to Section 411.1901, Government Code, is amended to read as follows:

Sec. 411.1901. SCHOOL SAFETY CERTIFICATION FOR QUALIFIED HANDGUN INSTRUCTORS AND APPROVED ONLINE COURSE PROVIDERS.

SECTION 6. Sections 411.1901(a) and (c), Government Code, are amended to read as follows:

(a) The department shall establish a process to enable qualified handgun instructors and approved online course providers certified under Section 411.190 to obtain an additional certification in school safety. The process must include a school safety certification course that provides training in the following:

(1) the protection of students;

(2) interaction of license holders with first responders;

(3) tactics for denying an intruder entry into a classroom or school facility; and

(4) methods for increasing a license holder's accuracy with a handgun while under duress.

(c) A qualified handgun instructor or approved online course provider certified in school safety under this section may provide school safety training, including instruction in the subjects listed under Subsection (a), to employees of a school district or an open-enrollment charter school who hold a license to

1 carry a handgun issued under this subchapter. An approved online
2 course provider shall provide the training and instruction under
3 this section online.

4 SECTION 7. Section 411.191, Government Code, is amended to
5 read as follows:

6 Sec. 411.191. REVIEW OF DENIAL, REVOCATION, OR SUSPENSION
7 OF CERTIFICATION AS QUALIFIED HANDGUN INSTRUCTOR OR APPROVED ONLINE
8 COURSE PROVIDER. The procedures for the review of a denial,
9 revocation, or suspension of a license under Section 411.180 apply
10 to the review of a denial, revocation, or suspension of
11 certification as a qualified handgun instructor or approved online
12 course provider. The notice provisions of this subchapter relating
13 to denial, revocation, or suspension of handgun licenses apply to
14 the proposed denial, revocation, or suspension of a certification
15 of a qualified handgun instructor or approved online course
16 provider or an applicant for certification as a qualified handgun
17 instructor or approved online course provider.

18 SECTION 8. Section 411.192(d), Government Code, is amended
19 to read as follows:

20 (d) The department shall make public and distribute to the
21 public at no cost lists of individuals who are certified as
22 qualified handgun instructors by the department and who request to
23 be included as provided by Subsection (e) and lists of approved
24 online course providers. The department shall include on the lists
25 each individual's name, telephone number, e-mail address, and
26 Internet website address. The department shall make the list
27 available on the department's Internet website.

SECTION 9. Sections 411.208(a), (b), and (e), Government Code, are amended to read as follows:

(a) A court may not hold the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), a peace officer, ~~or~~ a qualified handgun instructor, or an approved online course provider liable for damages caused by:

(1) an action authorized under this subchapter or a failure to perform a duty imposed by this subchapter; or

(2) the actions of an applicant or license holder that occur after the applicant has received a license or been denied a license under this subchapter.

(b) A cause of action in damages may not be brought against the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), a peace officer, ~~or~~ a qualified handgun instructor, or an approved online course provider for any damage caused by the actions of an applicant or license holder under this subchapter.

1 (e) The immunities granted under Subsection (a) to a
2 qualified handgun instructor or approved online course provider do
3 not apply to a cause of action for fraud or a deceptive trade
4 practice.

5 SECTION 10. This Act takes effect September 1, 2017.