

House Bill 3784
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 to administer the associated written exam.

SECTION 2. Section 411.188, Government Code, is amended by amending Subsections (a), (b), (d), (g), and (i) and adding Subsections (c), (d-1), (e), and (j) to read as follows:

(a) The director by rule shall establish minimum standards for handgun proficiency and shall develop a course to teach handgun proficiency and examinations to measure handgun proficiency. The course to teach handgun proficiency is required for each person who seeks to obtain a license and must contain training sessions divided into two parts. One part of the course must be classroom instruction and the other part must be range instruction and an actual demonstration by the applicant of the applicant's ability to safely and proficiently use a handgun. An applicant must be able to demonstrate, at a minimum, the degree of proficiency that is required to effectively operate a handgun of .32 caliber or above. The department shall distribute the standards, course requirements, and examinations on request to any qualified handgun instructor or approved online course provider seeking to administer the course or a part of the course as described by Subsection (b).

(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. The

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. Same as House version.

CONFERENCE

House Bill 3784
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

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;
- (2) handgun use and safety, including use of restraint holsters and methods to ensure the secure carrying of openly carried handguns;
- (3) nonviolent dispute resolution; and
- (4) proper storage practices for handguns with an emphasis on storage practices that eliminate the possibility of accidental injury to a child.

(c) An approved online course provider shall administer the classroom instruction part of the handgun proficiency course in an online format. A course administered online must include not less than four hours and not more than six hours of instruction.

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

- (1) a written section on the subjects listed in Subsection (b); and
- (2) a physical demonstration of proficiency in the use of one or more handguns and in handgun safety procedures.

(d-1) A qualified handgun instructor shall require an applicant who successfully completed an online version of the classroom instruction part of the handgun proficiency course to complete not less than one hour but not more than two hours of the range instruction part of the handgun proficiency course before allowing a physical demonstration of handgun proficiency as described by Subsection (d)(2).

(e) An approved online course provider may administer

House Bill 3784
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

online through a secure portal the written portion of the proficiency examination described by Subsection (d)(1).

(g) A person who wishes to obtain a license to carry a handgun must apply in person to a qualified handgun instructor to take the range instruction part of the [appropriate course in] handgun proficiency course and to demonstrate handgun proficiency as required by the department. A person must apply in person to a qualified handgun instructor or online to an approved online course provider, as applicable, to take the classroom instruction part of the handgun proficiency course.

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

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

No equivalent provision.

SENATE VERSION (IE)

CONFERENCE

SECTION __. Section 411.1881(a), Government Code, is amended to read as follows:

(a) Notwithstanding any other provision of this subchapter, a person may not be required to complete the range instruction portion of a handgun proficiency course to obtain a license issued under this subchapter if the person:

- (1) is currently serving in or is honorably discharged from:
 - (A) the army, navy, air force, coast guard, or marine corps of

House Bill 3784
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

the United States or an auxiliary service or reserve unit of one of those branches of the armed forces; or
(B) the Texas military forces, as defined by Section 437.001; and
(2) has, within the 10 ~~[five]~~ years preceding the date of the person's application for the license, completed as part of the person's service with the armed forces or Texas military forces:
(A) a course of training in firearm ~~[handgun]~~ proficiency or familiarization; or
(B) a range qualification process for firearm usage ~~[as part of the person's service with the armed forces or Texas military forces]~~. [FA1]

No equivalent provision.

SECTION __. Not later than December 1, 2017, the public safety director of the Department of Public Safety shall adopt the forms and procedures required by Section 411.1881, Government Code, as amended by this Act. [FA1]

No equivalent provision.

SECTION __. The change in law made by this Act in amending Section 411.1881, Government Code, applies only to an application to obtain a license to carry a handgun submitted on or after December 1, 2017. An application submitted before December 1, 2017, is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose. [FA1]

SECTION 3. The heading to Section 411.190, Government Code, is amended to read as follows:
Sec. 411.190. QUALIFIED HANDGUN INSTRUCTORS AND APPROVED ONLINE COURSE PROVIDERS.

SECTION 3. Same as House version.

House Bill 3784
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

(2) experience working with governmental entities; and

(3) direct knowledge of handgun training.

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

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

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

(3) nonviolent dispute resolution; and

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

(c) In the manner applicable to a person who applies for a license to carry a handgun, the department shall conduct a background check of a person who applies for certification as a qualified handgun instructor or approved online course provider. If the background check indicates that the applicant for certification would not qualify to receive a handgun license, the department may not certify the applicant as a qualified handgun instructor or approved online course provider. If the background check indicates that the applicant for certification would qualify to receive a handgun license,

SENATE VERSION (IE)

SECTION 4. Same as House version.

CONFERENCE

House Bill 3784
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

the department shall provide handgun instructor or online course provider training to the applicant. The applicant shall pay a fee of \$100 to the department for the training. The applicant must take and successfully complete the training offered by the department and pay the training fee before the department may certify the applicant as a qualified handgun instructor or approved online course provider. The department shall issue a license to carry a handgun under the authority of this subchapter to any person who is certified as a qualified handgun instructor or approved online course provider and who pays to the department a fee of \$100 in addition to the training fee. The department by rule may prorate or waive the training fee for an employee of another governmental entity.

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

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

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

(1) license to carry a handgun if the person is an applicant for

House Bill 3784
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

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. Section 411.191, Government Code, is amended to read as follows:

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

SECTION 5. Same as House version.

SECTION 6. Section 411.192(d), Government Code, is amended to read as follows:

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

SECTION 6. Same as House version.

House Bill 3784
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

No equivalent provision.

SENATE VERSION (IE)

SECTION __. Section 411.1991, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) An applicant under this section who is a peace officer and who complies with Subsection (a-1) and the other requirements of this subchapter is not required to complete the handgun proficiency course described by Section 411.188 to obtain a license under this subchapter. [FA2]

SECTION __. Subchapter H, Chapter 411, Government Code, is amended by adding Sections 411.1993 and 411.1994 to read as follows:

Sec. 411.1993. COUNTY JAILERS. (a) In this section, "county jailer" has the meaning assigned by Section 1701.001, Occupations Code.

(b) A county jailer who holds a county jailer license issued under Chapter 1701, Occupations Code, may apply for a license under this subchapter.

(c) An applicant under this section who is a county jailer shall submit to the department:

(1) the name and job title of the applicant;

(2) a current copy of the applicant's county jailer license and evidence of employment as a county jailer; and

(3) evidence that the applicant has satisfactorily completed the preparatory training program required under Section 1701.310, Occupations Code, including the demonstration of weapons proficiency required as part of the training program under Section 1701.307 of that code.

(d) The department may issue a license under this subchapter to an applicant under this section if the applicant complies with Subsection (c) and meets all other requirements of this subchapter, except that the applicant is not required to complete the range instruction part of the handgun proficiency

CONFERENCE

House Bill 3784
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

course described by Section 411.188 if the department is satisfied, on the basis of the evidence provided under Subsection (c)(3), that the applicant is proficient in the use of handguns.

(e) The department shall waive any fee required for a license issued under this subchapter to an applicant under this section.

(f) A license issued to an applicant under this section expires as provided by Section 411.183.

Sec. 411.1994. STATE CORRECTIONAL OFFICERS. (a) A correctional officer of the Texas Department of Criminal Justice may apply for a license under this subchapter.

(b) An applicant under this section shall submit to the department:

(1) the name and job title of the applicant;

(2) evidence of employment as a correctional officer of the Texas Department of Criminal Justice; and

(3) evidence that the applicant has satisfactorily completed the correctional officer training program offered by the Texas Department of Criminal Justice, including a demonstration of weapons proficiency.

(c) The department may issue a license under this subchapter to an applicant under this section if the applicant complies with Subsection (b) and meets all other requirements of this subchapter, except that the applicant is not required to complete the range instruction part of the handgun proficiency course described by Section 411.188 if the department is satisfied, on the basis of the evidence provided under Subsection (b)(3), that the applicant is proficient in the use of handguns.

(d) The department shall waive any fee required for a license issued under this subchapter to an applicant under this section.

(e) A license issued to an applicant under this section expires

House Bill 3784
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 7. 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.

(e) The immunities granted under Subsection (a) to a

SENATE VERSION (IE)

as provided by Section 411.183. [FA2]

SECTION 7. Same as House version.

CONFERENCE

House Bill 3784
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

qualified handgun instructor or approved online course provider do not apply to a cause of action for fraud or a deceptive trade practice.

No equivalent provision.

No equivalent provision.

SECTION 8. This Act takes effect September 1, 2017.

SENATE VERSION (IE)

SECTION __. Section 411.1952, Government Code, is repealed. [FA2]

SECTION __. The changes in law made by this Act in amending Section 411.1991, Government Code, adding Sections 411.1993 and 411.1994, Government Code, and repealing Section 411.1952, Government Code, apply only to a license issued on or after the effective date of this Act. [FA2]

SECTION 8. Same as House version.

CONFERENCE