86R9731 KKR-F

By:  Buckingham S.B. No. 2158

A BILL TO BE ENTITLED

AN ACT

relating to tactical medical officers; requiring an occupational certificate; authorizing fees.

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

SECTION 1.  This Act shall be known as the Response to Active Shooters Act.

SECTION 2.  Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.128 to read as follows:

Art. 2.128.  TACTICAL MEDICAL OFFICERS. (a) A tactical medical officer may make arrests and exercise all authority given to peace officers under this code, subject to written regulations adopted by the law enforcement agency having jurisdiction over the officer, if the tactical medical officer acts in a manner that is necessary to prevent or abate the commission of an offense that threatens serious bodily injury to or the death of a person.

(b)  A person may not serve as a tactical medical officer unless the person:

(1)  is licensed or certified, as applicable, under:

(A)  Section 773.049 or 773.0495, Health and Safety Code; or

(B)  Subtitle B, Title 3, Occupations Code;

(2)  holds a license to carry a concealed handgun issued under Subchapter H, Chapter 411, Government Code;

(3)  is certified by the Texas Commission on Law Enforcement under Section 1701.2601, Occupations Code; and

(4)  is appointed as a tactical medical officer by a law enforcement agency.

SECTION 3.  Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.1872 to read as follows:

Sec. 411.1872.  NOTICE OF SUSPENSION OR REVOCATION OF CERTAIN LICENSES: TACTICAL MEDICAL OFFICER. The department shall notify the Texas Commission on Law Enforcement if the department takes any action against the license of a person identified by the commission as a person certified under Section 1701.2601, Occupations Code, including suspension or revocation.

SECTION 4.  Section 1701.001, Occupations Code, is amended by adding Subdivision (9) to read as follows:

(9)  "Tactical medical officer" means a person who is appointed as a tactical medical officer under Article 2.128, Code of Criminal Procedure, and is certified under Section 1701.2601.

SECTION 5.  Subchapter F, Chapter 1701, Occupations Code, is amended by adding Section 1701.2601 to read as follows:

Sec. 1701.2601.  TACTICAL MEDICAL OFFICER CERTIFICATION; REQUIRED TRAINING. (a) The commission, in conjunction with the medical director for the Texas Department of Public Safety, shall develop and implement a tactical medical officer training program for a person to receive the certification required to be appointed as a tactical medical officer under Article 2.128, Code of Criminal Procedure. The training must be conducted by commission staff or a person approved by the commission to provide the training.

(b)  Before a person may receive training under this section, the person must:

(1)  hold a license to carry a concealed handgun issued under Subchapter H, Chapter 411, Government Code; and

(2)  provide the commission with the person's identifying information, including the person's name and date of birth, the address of the person's place of employment, and the license number of the person's license to carry a concealed handgun issued under Subchapter H, Chapter 411, Government Code.

(c)  The tactical medical officer certification training program must include 80 hours of instruction designed to:

(1)  emphasize strategies for responding to an active shooter incident, including securing the safety of potential victims and providing medical support to peace officers responding to a high-risk incident;

(2)  educate a trainee about legal issues relating to the duties of peace officers and the use of force or deadly force to protect others;

(3)  introduce a trainee to effective law enforcement strategies and techniques;

(4)  improve a trainee's proficiency with the use of a handgun and rifle;

(5)  improve a trainee's proficiency in providing effective medical care in tactical situations and to victims of an active shooter incident; and

(6)  enable a trainee to respond to an emergency situation requiring deadly force.

(d)  The commission, in consultation with licensed psychologists, shall develop and administer a psychological examination to a trainee to determine if the trainee is psychologically fit to carry out the duties of a tactical medical officer, including duties relating to an emergency shooting or an active shooter incident. The commission may not issue a tactical medical officer certificate to a trainee if the results of the examination indicate that the trainee is not psychologically fit to carry out the duties of a tactical medical officer.

(e)  The commission may rely on the results of a psychological examination of a trainee conducted by the trainee's employer to determine if the trainee is psychologically fit under Subsection (d).

(f)  The commission shall charge reasonable fees to cover the cost of:

(1)  conducting the tactical medical officer certification training program; and

(2)  issuing or renewing a tactical medical officer certificate.

(g)  The commission shall issue a tactical medical officer certificate to a person for purposes of eligibility for appointment as a tactical medical officer if the person:

(1)  satisfactorily completes the training under this section as determined by commission staff; and

(2)  based on an examination under Subsection (d), is determined to be psychologically fit to carry out the duties of a tactical medical officer.

(h)  A tactical medical officer certificate issued under this section expires on the certificate holder's first birthday occurring on or after the fourth anniversary of the date the certificate was issued.

(i)  A tactical medical officer certificate issued under this section may be renewed if the certificate holder:

(1)  successfully completes at least 16 hours of continuing education before the date of renewal; and

(2)  satisfactorily demonstrates the certificate holder's handgun proficiency as determined by commission staff.

(j)  The commission shall revoke a person's tactical medical officer certificate if the commission is notified by the Texas Department of Public Safety that the certificate holder's license to carry a concealed handgun issued under Subchapter H, Chapter 411, Government Code, has been suspended or revoked.

(k)  If a person's tactical medical officer certificate expires and is not renewed or the certificate is revoked by the commission, the commission shall immediately report the expiration or revocation to:

(1)  the director of the Texas Department of Public Safety;

(2)  the person's employer; and

(3)  as applicable:

(A)  if the person is employed by an emergency medical services provider or first responder organization located within a municipality, the chief law enforcement officer of the municipality's law enforcement agency; or

(B)  if the person is employed by an emergency medical services provider or first responder organization located outside of a municipality, the sheriff of the county in which the employer is located.

(l)  A person whose tactical medical officer certificate expires or is revoked by the commission may obtain recertification by:

(1)  furnishing proof to the commission that the person's concealed handgun license has been reinstated;

(2)  retaking and completing the training program required under this section as determined by commission staff;

(3)  paying the fee for the training program; and

(4)  demonstrating psychological fitness by taking the examination required by Subsection (d).

(m)  The commission may submit the personally identifying information of a tactical medical officer certificate holder that is obtained under Subsection (b) to:

(1)  the director of the Texas Department of Public Safety;

(2)  the person's employer; and

(3)  as applicable:

(A)  if the person is employed by an emergency medical services provider or first responder organization located within a municipality, the chief law enforcement officer of the municipality's law enforcement agency; or

(B)  if the person is employed by an emergency medical services provider or first responder organization located outside of a municipality, the sheriff of the county in which the employer is located.

(n)  Personally identifying information about a person that is provided by the person to the commission under this section or that is provided to a person described by Subsection (m) is confidential and is not subject to disclosure under Chapter 552, Government Code.

(o)  The commission shall adopt rules necessary to implement this section.

SECTION 6.  Section 1701.301, Occupations Code, is amended to read as follows:

Sec. 1701.301.  LICENSE OR CERTIFICATE REQUIRED. (a) Except as provided by Sections 1701.310, 1701.311, and 1701.405, a person may not appoint or employ a person to serve as an officer, county jailer, school marshal, public security officer, or telecommunicator unless the person holds an appropriate license issued by the commission.

(b)  A person may not be appointed as a tactical medical officer under Article 2.128, Code of Criminal Procedure, unless the person holds a tactical medical officer certificate issued by the commission under this section.

SECTION 7.  The Texas Commission on Law Enforcement shall establish a tactical medical officer certification training program as required by Section 1701.2601, Occupations Code, as added by this Act, not later than January 1, 2020.

SECTION 8.  As soon as practicable after the effective date of this Act, the Texas Commission on Law Enforcement shall adopt rules necessary to implement Section 1701.2601, Occupations Code, as added by this Act.

SECTION 9.  This Act takes effect September 1, 2019.