

AN ACT

relating to the firearms training for and weapons proficiency of and the carrying of a handgun or other firearm by county jailers and qualified retired law enforcement officers.

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

SECTION 1. Subchapter F, Chapter 1701, Occupations Code, is amended by adding Section 1701.2561 to read as follows:

Sec. 1701.2561. FIREARMS TRAINING FOR COUNTY JAILERS.

(a) The commission shall develop a basic training program in the use of firearms by county jailers. The program must provide instruction in:

(1) legal limitations on the use of firearms and on the powers and authority of jailers;

(2) range firing and procedure;

(3) firearms safety and maintenance; and

(4) other topics determined by the commission to be necessary for the responsible use of firearms by jailers.

(b) The commission shall administer the training program and shall issue a certificate of firearms proficiency to each county jailer the commission determines has successfully completed the program.

(c) A county jailer who is issued a certificate of firearms proficiency and who maintains weapons proficiency in accordance with Section 1701.355 may carry a firearm:

1           (1) during the course of performing duties as a county  
2 jailer, including while transporting persons confined in the county  
3 jail; and

4           (2) while traveling to or from the jailer's place of  
5 assignment.

6           SECTION 2. Section 1701.355, Occupations Code, is amended  
7 by adding Subsection (a-1) and amending Subsection (b) to read as  
8 follows:

9           (a-1) An agency that employs one or more county jailers who  
10 have been issued a certificate of firearms proficiency under  
11 Section 1701.2561 shall designate a firearms proficiency officer  
12 and require the jailers to demonstrate weapons proficiency to the  
13 firearms proficiency officer at least annually. The agency shall  
14 maintain records of the weapons proficiency of the agency's  
15 jailers. A county jailer's failure to demonstrate weapons  
16 proficiency does not affect the county jailer's license under this  
17 chapter.

18           (b) On request, the commission may waive the requirement  
19 that a peace officer or county jailer demonstrate weapons  
20 proficiency on a determination by the commission that the  
21 requirement causes a hardship.

22           SECTION 3. The heading to Section 1701.357, Occupations  
23 Code, is amended to read as follows:

24           Sec. 1701.357. WEAPONS PROFICIENCY FOR QUALIFIED [~~CERTAIN~~]  
25 ~~RETIRED [PEACE OFFICERS AND FEDERAL LAW ENFORCEMENT OFFICERS AND~~  
26 ~~FOR FORMER RESERVE]~~ LAW ENFORCEMENT OFFICERS.

27           SECTION 4. Section 1701.357, Occupations Code, is amended

1 by amending Subsections (a), (b), (c), (c-1), (d), (h), and (i) and  
2 adding Subsection (a-1) to read as follows:

3 (a) In this section, "qualified retired law enforcement  
4 officer" has the meaning assigned by 18 U.S.C. Section 926C.

5 (a-1) This section applies only to[+]

6 [~~(1) a peace officer,~~

7 [~~(2) a federal criminal investigator designated as a~~  
8 ~~special investigator under Article 2.122, Code of Criminal~~  
9 ~~Procedure,~~

10 [~~(3)] a qualified retired law enforcement officer who~~

11 is entitled to carry a concealed firearm under 18 U.S.C. Section

12 926C [~~and is not otherwise described by Subdivision (1) or (2), and~~

13 [~~(4) a former reserve law enforcement officer who~~  
14 ~~served in that capacity not less than a total of 15 years with one or~~  
15 ~~more state or local law enforcement agencies].~~

16 (b) The head of a state or local law enforcement agency may

17 allow a qualified retired law enforcement officer who is a [~~an~~  
18 ~~honorably]~~ retired commissioned peace officer an opportunity to

19 demonstrate weapons proficiency if the [~~retired]~~ officer provides

20 to the agency a sworn affidavit stating that:

21 (1) the officer:

22 (A) honorably retired after not less than a total

23 of 10 [~~15~~] years of cumulative service as a commissioned officer

24 with one or more state or local law enforcement agencies; or

25 (B) before completing 10 [~~15~~] years of cumulative

26 service as a commissioned officer with one or more state or local

27 law enforcement agencies, separated from employment with the agency

1 or agencies and is a qualified retired law enforcement officer [~~as~~  
2 ~~defined by 18 U.S.C. Section 926C~~];

3 (2) the officer's license as a commissioned officer  
4 was not revoked or suspended for any period during the officer's  
5 term of service as a commissioned officer; and

6 (3) the officer has no psychological or physical  
7 disability that would interfere with the officer's proper handling  
8 of a handgun.

9 (c) The state or local law enforcement agency shall  
10 establish written procedures for the issuance or denial of a  
11 certificate of proficiency under this subsection [~~section~~]. The  
12 agency shall issue the certificate to a retired commissioned peace  
13 officer who satisfactorily demonstrates weapons proficiency under  
14 Subsection (b) [~~provides proof that the officer is entitled to~~  
15 ~~receive a pension or annuity for service with a state or local law~~  
16 ~~enforcement agency or is not entitled to receive a pension or~~  
17 ~~annuity only because the law enforcement agency that employed the~~  
18 ~~retired officer does not offer a pension or annuity to its retired~~  
19 ~~employees,~~] and satisfies the written procedures established by the  
20 agency. [~~The agency shall issue the certificate to a person~~  
21 ~~described by Subsection (a)(4) who satisfactorily demonstrates~~  
22 ~~weapons proficiency under Subsection (b-1).~~] The agency shall  
23 maintain records of any person who holds a certificate issued under  
24 this subsection [~~section~~].

25 (c-1) For purposes of this section [~~Subsection (c)~~], proof  
26 that an individual [~~a retired officer~~] is a qualified retired law  
27 enforcement officer [~~entitled to receive a pension or annuity or is~~

1 ~~not entitled to receive a pension or annuity only because the agency~~  
2 ~~that last employed the retired officer does not offer a pension or~~  
3 ~~annuity]~~ may include a retired peace officer identification card  
4 issued under Subchapter H, Chapter 614, Government Code, or other  
5 form of identification as described by 18 U.S.C. Section 926C(d).

6 (d) A certificate issued under this section expires on the  
7 first [~~second~~] anniversary of the date the certificate was issued.  
8 [~~A person to whom this section applies may request an annual~~  
9 ~~evaluation of weapons proficiency and issuance of a certificate of~~  
10 ~~proficiency as needed to comply with applicable federal or other~~  
11 ~~laws.~~]

12 (h) The head of a state law enforcement agency may allow [~~an~~  
13 ~~honorably retired federal criminal investigator or]~~ a qualified  
14 retired law enforcement officer, other than a retired commissioned  
15 peace officer, [~~to whom this section applies]~~ an opportunity to  
16 demonstrate weapons proficiency in the same manner as, and subject  
17 to the same requirements applicable to, a [~~an honorably]~~ retired  
18 commissioned peace officer as described by Subsection (b) [~~this~~  
19 ~~section~~]. The agency shall establish written procedures for the  
20 issuance or denial of a certificate of proficiency under this  
21 subsection. The agency shall issue a certificate of proficiency to  
22 [~~an honorably retired federal criminal investigator or]~~ a qualified  
23 retired law enforcement officer who satisfactorily demonstrates  
24 weapons proficiency under this subsection and satisfies the written  
25 procedures established by the agency. The agency [~~otherwise meets~~  
26 ~~the requirements of this section and]~~ shall maintain records  
27 regarding the issuance of that certificate.

1 (i) On request of a qualified [~~an honorably~~] retired law  
2 enforcement officer who holds a certificate of proficiency under  
3 this section, the head of the state or local law enforcement agency  
4 from which the officer retired or most recently separated shall  
5 issue to the [~~retired~~] officer identification that indicates that  
6 the officer honorably retired or separated from the agency. An  
7 identification under this subsection must include a photograph of  
8 the [~~retired~~] officer.

9 SECTION 5. Sections [411.1992](#)(a) and (c), Government Code,  
10 are amended to read as follows:

11 (a) A person who served as a reserve law enforcement  
12 officer, as defined by Section [1701.001](#), Occupations Code, not less  
13 than a total of 10 [~~15~~] years of cumulative service with one or more  
14 state or local law enforcement agencies may apply for a license  
15 under this subchapter at any time.

16 (c) The department may issue a license under this subchapter  
17 to an applicant under this section if the applicant was a reserve  
18 law enforcement officer for not less than a total of 10 [~~15~~] years  
19 of cumulative service with one or more state or local law  
20 enforcement agencies and is physically and emotionally fit to  
21 possess a handgun.

22 SECTION 6. Section [46.15](#)(a), Penal Code, is amended to read  
23 as follows:

24 (a) Sections [46.02](#) and [46.03](#) do not apply to:

25 (1) peace officers or special investigators under  
26 Article [2.122](#), Code of Criminal Procedure, and neither section  
27 prohibits a peace officer or special investigator from carrying a

1 weapon in this state, including in an establishment in this state  
2 serving the public, regardless of whether the peace officer or  
3 special investigator is engaged in the actual discharge of the  
4 officer's or investigator's duties while carrying the weapon;

5 (2) parole officers, and neither section prohibits an  
6 officer from carrying a weapon in this state if the officer is:

7 (A) engaged in the actual discharge of the  
8 officer's duties while carrying the weapon; and

9 (B) in compliance with policies and procedures  
10 adopted by the Texas Department of Criminal Justice regarding the  
11 possession of a weapon by an officer while on duty;

12 (3) community supervision and corrections department  
13 officers appointed or employed under Section 76.004, Government  
14 Code, and neither section prohibits an officer from carrying a  
15 weapon in this state if the officer is:

16 (A) engaged in the actual discharge of the  
17 officer's duties while carrying the weapon; and

18 (B) authorized to carry a weapon under Section  
19 76.0051, Government Code;

20 (4) an active judicial officer as defined by Section  
21 411.201, Government Code, who is licensed to carry a handgun under  
22 Subchapter H, Chapter 411, Government Code;

23 (5) an honorably retired peace officer or other[7]  
24 qualified retired law enforcement officer, as defined by 18 U.S.C.  
25 Section 926C, [federal criminal investigator, or former reserve law  
26 enforcement officer] who holds a certificate of proficiency issued  
27 under Section 1701.357, Occupations Code, and is carrying a photo

1 identification that is issued by a federal, state, or local law  
2 enforcement agency, as applicable, and that verifies that the  
3 officer is[+]

4 [~~(A)~~] an honorably retired peace officer or  
5 other[+]

6 [~~(B)~~a] qualified retired law enforcement  
7 officer;

8 [~~(C)~~ a federal criminal investigator; or

9 [~~(D)~~ a former reserve law enforcement officer who  
10 has served in that capacity not less than a total of 15 years with  
11 one or more state or local law enforcement agencies;]

12 (6) the attorney general or a United States attorney,  
13 district attorney, criminal district attorney, county attorney, or  
14 municipal attorney who is licensed to carry a handgun under  
15 Subchapter H, Chapter 411, Government Code;

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

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

22 (A) licensed to carry a handgun under Subchapter  
23 H, Chapter 411, Government Code; and

24 (B) engaged in escorting the judicial officer;

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

27 (10) a person who is volunteer emergency services



1 personnel if the person is:

2 (A) carrying a handgun under the authority of  
3 Subchapter H, Chapter 411, Government Code; and

4 (B) engaged in providing emergency services.

5 SECTION 7. The following provisions are repealed:

6 (1) Section 411.1992(e), Government Code; and

7 (2) Sections 1701.357(b-1) and (j), Occupations Code.

8 SECTION 8. The changes in law made by this Act to Section  
9 1701.357, Occupations Code, apply only to an application for a  
10 weapons proficiency certificate under Section 1701.357,  
11 Occupations Code, filed on or after September 1, 2019. An  
12 application for a weapons proficiency certificate under Section  
13 1701.357, Occupations Code, filed before September 1, 2019, is  
14 governed by the law in effect on the date the application was filed,  
15 and the former law is continued in effect for that purpose.

16 SECTION 9. The change in law made by this Act to Section  
17 411.1992, Government Code, applies only to a person who applies for  
18 a license to carry a handgun under that section on or after the  
19 effective date of this Act. A person who applies for a license to  
20 carry a handgun before the effective date of this Act is governed by  
21 the law in effect on the date the person applied for the license,  
22 and the former law is continued in effect for that purpose.

23 SECTION 10. The change in law made by this Act to Section  
24 46.15, Penal Code, applies only to an offense committed on or after  
25 the effective date of this Act. An offense committed before the  
26 effective date of this Act is governed by the law in effect on the  
27 date the offense was committed, and the former law is continued in

1 effect for that purpose. For purposes of this section, an offense  
2 was committed before the effective date of this Act if any element  
3 of the offense occurred before that date.

4 SECTION 11. This Act takes effect September 1, 2019.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 1552 was passed by the House on May 3, 2019, by the following vote: Yeas 140, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1552 on May 23, 2019, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 1552 was passed by the Senate, with amendments, on May 19, 2019, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Governor