

By: Dean

H.B. No. 3706

A BILL TO BE ENTITLED

AN ACT

relating to a license to carry a handgun for active and retired railroad peace officers and for special rangers of the Texas and Southwestern Cattle Raisers Association.

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

SECTION 1. Sections 411.199(a), (b), and (c), Government Code, are amended to read as follows:

(a) The following peace officers may apply for a license issued under this subchapter at any time after retirement:

(1) a [A] person who is licensed as a peace officer under Chapter 1701, Occupations Code, and who has been employed full-time as a peace officer by a law enforcement agency;

(2) a railroad peace officer appointed by the director under Article 2.121, Code of Criminal Procedure, who holds a certificate of authority issued by the director under that article and a peace officer license issued by the Texas Commission on Law Enforcement; or

(3) a special ranger of the Texas and Southwestern Cattle Raisers Association appointed by the director under Article 2.125, Code of Criminal Procedure, who holds a certificate of authority issued by the director under that article and a peace officer license issued by the Texas Commission on Law Enforcement ~~[may apply for a license under this subchapter at any time after retirement]~~.

1 (b) The person shall submit two complete sets of legible and
2 classifiable fingerprints and a sworn statement from the head of
3 the law enforcement agency that employed [~~employing~~] the applicant
4 or other former employer of the applicant, as applicable. A head of
5 a law enforcement agency or other former employer may not refuse to
6 issue a statement under this subsection. If the applicant alleges
7 that the statement is untrue, the department shall investigate the
8 validity of the statement. The statement must include:

9 (1) the name and rank of the applicant;

10 (2) the status of the applicant before retirement;

11 (3) whether [~~or not~~] the applicant was accused of
12 misconduct at the time of the retirement;

13 (4) the physical and mental condition of the
14 applicant;

15 (5) the type of weapons the applicant had demonstrated
16 proficiency with during the last year of employment;

17 (6) whether the applicant would be eligible for
18 reemployment with the agency or employer, and if not, the reasons
19 the applicant is not eligible; and

20 (7) a recommendation from the agency head or the
21 employer regarding the issuance of a license under this subchapter.

22 (c) The department may issue a license issued under this
23 subchapter to an applicant under this section if the applicant is
24 honorably retired and physically and emotionally fit to possess a
25 handgun. In this subsection, "honorably retired" means the
26 applicant:

27 (1) did not retire in lieu of any disciplinary action;

1 (2) was eligible to retire from the law enforcement
2 agency or other former employer or was ineligible to retire only as
3 a result of an injury received in the course of the applicant's
4 employment [~~with the agency~~]; and

5 (3) for a peace officer described by Subsection
6 (a)(1), is entitled to receive a pension or annuity for service as a
7 law enforcement officer or is not entitled to receive a pension or
8 annuity only because the law enforcement agency that employed the
9 applicant does not offer a pension or annuity to its employees.

10 SECTION 2. Sections 411.1991(a), (a-1), and (b-1),
11 Government Code, are amended to read as follows:

12 (a) A person may apply for a license issued under this
13 subchapter if the person [~~who~~] is:

14 (1) licensed as a peace officer under Chapter 1701,
15 Occupations Code, and employed as a peace officer by a law
16 enforcement agency;

17 (2) a railroad peace officer appointed by the director
18 under Article 2.121, Code of Criminal Procedure, who holds a
19 certificate of authority issued by the director under that article
20 and a peace officer license issued by the Texas Commission on Law
21 Enforcement;

22 (3) a special ranger of the Texas and Southwestern
23 Cattle Raisers Association appointed by the director under Article
24 2.125, Code of Criminal Procedure, who holds a certificate of
25 authority issued by the director under that article and a peace
26 officer license issued by the Texas Commission on Law
27 Enforcement; [~~7~~] or

1 (4) ~~[who is]~~ a member of the Texas military forces,
2 excluding Texas State Guard members who are serving in the Texas
3 Legislature~~[, may apply for a license under this subchapter]~~.

4 (a-1) An applicant who is a peace officer described by
5 Subsection (a)(1), (2), or (3) shall submit to the department:

6 (1) the name and rank of the applicant; and

7 (2) a current copy of the applicant's ~~[peace officer]~~
8 license issued by the Texas Commission on Law Enforcement and
9 evidence of employment as a peace officer, railroad peace officer,
10 or special ranger, as applicable.

11 (b-1) An applicant under this section who is a peace officer
12 described by Subsection (a)(1), (2), or (3) and who complies with
13 Subsection (a-1) and the other requirements of this subchapter is
14 not required to complete the handgun proficiency course described
15 by Section [411.188](#) to obtain a license issued under this
16 subchapter.

17 SECTION 3. This Act takes effect September 1, 2019.