

By: Dean

H.B. No. 3706

Substitute the following for H.B. No. 3706:

By: Burns

C.S.H.B. No. 3706

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a license to carry a handgun for active and retired
3 railroad peace officers and for special rangers of the Texas and
4 Southwestern Cattle Raisers Association.

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

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

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

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

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

18 (3) a special ranger of the Texas and Southwestern
19 Cattle Raisers Association appointed by the director under Article
20 [2.125](#), Code of Criminal Procedure, who holds a certificate of
21 authority issued by the director under that article and a peace
22 officer license issued by the Texas Commission on Law Enforcement
23 ~~[may apply for a license under this subchapter at any time after~~
24 ~~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.