

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

1 Enforcement under Section 1701.2601, Occupations Code; and
2 (4) is appointed as a tactical medical officer by a law
3 enforcement agency.

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

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

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

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

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

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

27 (b) Before a person may receive training under this section,

1 the person must:

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

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

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

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

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

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

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

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

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

27 (d) The commission, in consultation with licensed

1 psychologists, shall develop and administer a psychological
2 examination to a trainee to determine if the trainee is
3 psychologically fit to carry out the duties of a tactical medical
4 officer, including duties relating to an emergency shooting or an
5 active shooter incident. The commission may not issue a tactical
6 medical officer certificate to a trainee if the results of the
7 examination indicate that the trainee is not psychologically fit to
8 carry out the duties of a tactical medical officer.

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

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

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

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

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

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

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

27 (h) A tactical medical officer certificate issued under

1 this section expires on the certificate holder's first birthday
2 occurring on or after the fourth anniversary of the date the
3 certificate was issued.

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

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

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

10 (j) The commission shall revoke a person's tactical medical
11 officer certificate if the commission is notified by the Texas
12 Department of Public Safety that the certificate holder's license
13 to carry a concealed handgun issued under Subchapter H, Chapter
14 411, Government Code, has been suspended or revoked.

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

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

21 (2) the person's employer; and

22 (3) as applicable:

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

27 (B) if the person is employed by an emergency

1 medical services provider or first responder organization located
2 outside of a municipality, the sheriff of the county in which the
3 employer is located.

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

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

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

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

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

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

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

19 (2) the person's employer; and

20 (3) as applicable:

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

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

1 employer is located.

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

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

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

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

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

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

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

1 as added by this Act.

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