

By: Harris, et al.

H.B. No. 1069

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of a handgun by certain first responders.

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

SECTION 1. The heading to Section 112.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 112.001. CERTAIN ACTIONS OF FIRST RESPONDERS AND VOLUNTEER EMERGENCY SERVICES PERSONNEL.

SECTION 2. Sections 112.001(a), (b), and (c), Civil Practice and Remedies Code, are amended to read as follows:

(a) In this section:

(1) "First responder" and "volunteer emergency services personnel" have the meanings assigned by Section 46.01, Penal Code.

(2) "Governmental unit" has the meaning assigned by Section 101.001.

~~[(2) "Volunteer emergency services personnel" has the meaning assigned by Section 46.01, Penal Code.]~~

(b) A governmental unit is not liable in a civil action arising from the discharge of a handgun by an individual who is a first responder or volunteer emergency services personnel and licensed to carry the handgun under Subchapter H, Chapter 411, Government Code.

(c) The discharge of a handgun by an individual who is a first responder or volunteer emergency services personnel and

1 licensed to carry the handgun under Subchapter H, Chapter 411,  
2 Government Code, is outside the course and scope of the  
3 individual's duties as a first responder or volunteer emergency  
4 services personnel, as applicable.

5 SECTION 3. Subchapter H, Chapter 411, Government Code, is  
6 amended by adding Section 411.184 to read as follows:

7 Sec. 411.184. TRAINING COURSE FOR CERTAIN FIRST RESPONDERS.

8 (a) In this section, "first responder" has the meaning assigned by  
9 Section 46.01, Penal Code.

10 (b) The director by rule shall establish minimum standards  
11 for an initial training course that a first responder who is a  
12 license holder and who is employed or supervised by a county or  
13 municipality to which Chapter 179, Local Government Code, applies  
14 may complete to receive a certification of completion from the  
15 department under this section. The training course must:

16 (1) be administered by a qualified handgun instructor;

17 (2) include not more than 40 hours of instruction;

18 (3) provide classroom training in:

19 (A) self-defense;

20 (B) de-escalation techniques;

21 (C) tactical thinking relating to cover for and  
22 concealment of the license holder;

23 (D) methods to conceal a handgun and methods to  
24 ensure the secure carrying of a concealed handgun;

25 (E) the use of restraint holsters and methods to  
26 ensure the secure carrying of an openly carried handgun; and

27 (F) consequences of improper use of a handgun;

1           (4) provide field instruction in the use of handguns,  
2 including:

3                   (A) instinctive or reactive shooting;

4                   (B) tactical shooting;

5                   (C) shooting while moving; and

6                   (D) shooting in low light conditions;

7           (5) require physical demonstrations of proficiency in  
8 techniques learned in training; and

9           (6) provide procedures for securing and storing a  
10 handgun if the first responder, while on duty, is required to enter  
11 a location where carrying the handgun is prohibited by federal law  
12 or otherwise.

13           (c) The department by rule shall establish minimum  
14 standards for an annual continuing education course that is  
15 administered by a qualified handgun instructor and includes not  
16 more than 10 hours of instruction for a person who has completed the  
17 initial training course described by Subsection (b).

18           (d) The department shall issue a certificate of completion  
19 to a first responder who is a license holder and who completes the  
20 initial training course under Subsection (b) or the continuing  
21 education course under Subsection (c), as applicable. A  
22 certificate of completion expires on the first anniversary of  
23 issuance.

24           (e) A first responder is responsible for paying to the  
25 course provider the costs of a training course under this section.

26           (f) The director by rule shall approve devices to enable a  
27 first responder to secure and store a handgun if the first

1 responder, while on duty, is required to enter a location where  
2 carrying the handgun is prohibited by federal law or otherwise.

3 SECTION 4. Subtitle C, Title 5, Local Government Code, is  
4 amended by adding Chapter 179 to read as follows:

5 CHAPTER 179. AUTHORITY OF CERTAIN FIRST RESPONDERS TO CARRY HANDGUN

6 SUBCHAPTER A. GENERAL PROVISIONS

7 Sec. 179.001. DEFINITIONS. In this chapter:

8 (1) "Department" means the Department of Public Safety  
9 of the State of Texas.

10 (2) "First responder" has the meaning assigned by  
11 Section 46.01, Penal Code.

12 (3) "Handgun" has the meaning assigned by Section  
13 46.01, Penal Code.

14 Sec. 179.002. APPLICABILITY OF CHAPTER. This chapter  
15 applies only to:

16 (1) a municipality with a population of 30,000 or less  
17 that has not adopted Chapter 174; and

18 (2) a county with a population of 250,000 or less that  
19 has not adopted Chapter 174.

20 Sec. 179.003. CONSTRUCTION OF CHAPTER. (a) This chapter  
21 does not create a cause of action or liability.

22 (b) This chapter may not be construed to waive, under  
23 Chapter 101, Civil Practice and Remedies Code, or any other law, a  
24 municipality's or county's governmental immunity from suit or to  
25 liability.

26 SUBCHAPTER B. AUTHORITY AND REQUIREMENTS TO CARRY HANDGUN

27 Sec. 179.051. AUTHORITY OF MUNICIPALITY OR COUNTY TO

1 PROHIBIT OR REGULATE CARRYING HANDGUN. (a) A municipality or  
2 county to which this chapter applies and that employs or supervises  
3 first responders may not adopt or enforce an ordinance, order, or  
4 other measure that generally prohibits a first responder who holds  
5 a license to carry a handgun under Subchapter H, Chapter 411,  
6 Government Code, an unexpired certificate of completion from the  
7 department under Section 411.184(d), Government Code, and the  
8 required liability policy under Section 179.053 from:

9 (1) carrying a concealed or holstered handgun while on  
10 duty; or

11 (2) storing a handgun on the premises of or in a  
12 vehicle owned or leased by the municipality or county if the handgun  
13 is secured with a device approved by the department under Section  
14 411.184(f), Government Code.

15 (b) This section does not prohibit a municipality or county  
16 from adopting an ordinance, order, or other measure that:

17 (1) prohibits a first responder from carrying a  
18 handgun while on duty based on the conduct of the first responder;  
19 or

20 (2) limits the carrying of a handgun only to the extent  
21 necessary to ensure that carrying the handgun does not interfere  
22 with the first responder's duties.

23 Sec. 179.052. AUTHORITY OF EMPLOYERS AND SUPERVISORS. (a)  
24 A municipal or county department or private entity that employs or  
25 supervises first responders providing services for a municipality  
26 or county to which this chapter applies may adopt a policy  
27 authorizing a first responder who is employed or supervised by the

1 municipal or county department or private entity and who holds a  
2 license to carry a handgun under Subchapter H, Chapter 411,  
3 Government Code, an unexpired certificate of completion from the  
4 department under Section 411.184(d), Government Code, and the  
5 required liability policy under Section 179.053 to:

6 (1) carry a concealed or holstered handgun while on  
7 duty; or

8 (2) store a handgun on the premises of or in a vehicle  
9 owned or leased by the applicable municipality or county, or by the  
10 private entity if the handgun is secured with a device approved by  
11 the department under Section 411.184(f), Government Code.

12 (b) A first responder employed or supervised by a municipal  
13 or county department or private entity may not engage in conduct  
14 described by Subsection (a)(1) or (2) unless the municipal or  
15 county department or private entity has adopted a policy under  
16 Subsection (a) that authorizes that conduct.

17 Sec. 179.053. LIABILITY INSURANCE REQUIRED. A first  
18 responder shall maintain liability insurance coverage in an amount  
19 of at least \$1 million if:

20 (1) the first responder carries a handgun while on  
21 duty; and

22 (2) the handgun is not an essential part of the first  
23 responder's duties.

24 Sec. 179.054. STORAGE OF HANDGUN. (a) A first responder  
25 who enters a location where carrying a handgun is prohibited by  
26 federal law or otherwise shall use a device approved by the  
27 department under Section 411.184(f), Government Code, to secure and

1 store the handgun.

2 (b) A first responder is responsible for procuring the  
3 device approved by the department under Section 411.184(f),  
4 Government Code, or for reimbursing the first responder's employer  
5 or supervisor for the use of a device provided by the employer or  
6 supervisor.

7 Sec. 179.055. DISCHARGE OF HANDGUN. A first responder may  
8 discharge a handgun while on duty only in self-defense.

9 Sec. 179.056. LIMITED LIABILITY. (a) A municipality or  
10 county that employs or supervises first responders is not liable in  
11 a civil action arising from the discharge of a handgun by a first  
12 responder who is licensed to carry the handgun under Subchapter H,  
13 Chapter 411, Government Code.

14 (b) The discharge of a handgun by a first responder who is  
15 licensed to carry a handgun under Subchapter H, Chapter 411,  
16 Government Code, is outside the course and scope of the first  
17 responder's duties.

18 Sec. 179.057. COMPLAINTS. A member of the public may submit  
19 a complaint to the municipality or county employing or supervising  
20 the first responder using the municipality's or county's existing  
21 complaint procedure. One or more complaints received with respect  
22 to a specific first responder are grounds for prohibiting or  
23 limiting that first responder's carrying a handgun while on duty.

24 SECTION 5. Section 30.06, Penal Code, is amended by adding  
25 Subsection (f-1) to read as follows:

26 (f-1) It is a defense to prosecution under this section that  
27 the license holder is a first responder, as defined by Section

1 46.01, who:

2 (1) holds an unexpired certificate of completion under  
3 Section 411.184, Government Code, at the time of engaging in the  
4 applicable conduct;

5 (2) was engaged in the actual discharge of the first  
6 responder's duties while carrying the handgun; and

7 (3) was employed or supervised by a municipality or  
8 county to which Chapter 179, Local Government Code, applies.

9 SECTION 6. Section 30.07, Penal Code, is amended by adding  
10 Subsection (g-1) to read as follows:

11 (g-1) It is a defense to prosecution under this section that  
12 the license holder is a first responder, as defined by Section  
13 46.01, who:

14 (1) holds an unexpired certificate of completion under  
15 Section 411.184, Government Code, at the time of engaging in the  
16 applicable conduct;

17 (2) was engaged in the actual discharge of the first  
18 responder's duties while carrying the handgun; and

19 (3) was employed or supervised by a municipality or  
20 county to which Chapter 179, Local Government Code, applies.

21 SECTION 7. Section 46.01, Penal Code, is amended by adding  
22 Subdivision (20) to read as follows:

23 (20) "First responder" means a public safety employee  
24 whose duties include responding rapidly to an emergency. The term  
25 includes fire protection personnel as defined by Section 419.021,  
26 Government Code, and emergency medical services personnel as  
27 defined by Section 773.003, Health and Safety Code. The term does



1 not include:

2 (A) volunteer emergency services personnel;

3 (B) an emergency medical services volunteer, as  
4 defined by Section 773.003, Health and Safety Code; or

5 (C) a peace officer or reserve law enforcement  
6 officer, as those terms are defined by Section 1701.001,  
7 Occupations Code, who is performing law enforcement duties.

8 SECTION 8. Section 46.15, Penal Code, is amended by adding  
9 Subsection (m) to read as follows:

10 (m) Sections 46.02, 46.03, and 46.035(b) and (c) do not  
11 apply to a first responder who:

12 (1) was carrying a handgun in a concealed manner or in  
13 a shoulder or belt holster;

14 (2) holds an unexpired certificate of completion under  
15 Section 411.184, Government Code, at the time of engaging in the  
16 applicable conduct;

17 (3) was engaged in the actual discharge of the first  
18 responder's duties while carrying the handgun; and

19 (4) was employed or supervised by a municipality or  
20 county to which Chapter 179, Local Government Code, applies.

21 SECTION 9. The public safety director of the Department of  
22 Public Safety shall adopt the rules necessary to implement Section  
23 411.184, Government Code, as added by this Act, not later than  
24 December 1, 2021.

25 SECTION 10. A qualified handgun instructor may not offer  
26 the training course described by Section 411.184(b), Government  
27 Code, as added by this Act, before January 1, 2022.

1           SECTION 11. Section 112.001, Civil Practice and Remedies  
2 Code, as amended by this Act, applies only to a cause of action that  
3 accrues on or after September 1, 2021. A cause of action that  
4 accrues before September 1, 2021, is governed by the law in effect  
5 immediately before that date, and the former law is continued in  
6 effect for that purpose.

7           SECTION 12. The changes in law made by this Act in amending  
8 Sections 30.06, 30.07, and 46.15, Penal Code, apply only to an  
9 offense committed on or after the effective date of this Act. An  
10 offense committed before the effective date of this Act is governed  
11 by the law in effect on the date the offense was committed, and the  
12 former law is continued in effect for that purpose. For purposes of  
13 this section, an offense was committed before the effective date of  
14 this Act if any element of the offense occurred before that date.

15           SECTION 13. This Act takes effect September 1, 2021.