

BILL ANALYSIS

C.S.H.B. 4995

By: Wilson

Homeland Security, Public Safety & Veterans' Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that, despite legislation passed in the 87th Regular Session, some medical professionals that accompany tactical units responding to high-risk incidents and the agencies under which the medical professionals operate can still be liable for any harm resultant of the discharge of a firearm by those medical professionals. C.S.H.B. 4995 seeks to enable medical professionals who accompany SWAT and similar first-responders to adequately defend themselves in high-risk incidents by precluding civil liability for governmental units arising from the discharge of a handgun by tactical medical professionals and by requiring the public safety director of the Department of Public Safety (DPS) to establish minimum standards for an initial training course that a tactical medical professional who is a license holder may complete to receive a certification of completion from DPS.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety (DPS) and the public safety director of DPS in SECTION 4 of this bill.

ANALYSIS

C.S.H.B. 4995 amends the Government Code to require the public safety director of the Department of Public Safety (DPS), by rule and in consultation with the Texas Commission on Law Enforcement (TCOLE), to establish minimum standards for an initial training course that a tactical medical professional who is a handgun license holder may complete to receive a certification of completion from DPS. The bill requires such a training course to be administered by a qualified handgun instructor, provide classroom training and field instruction in the use of handguns, and require physical demonstrations of proficiency in techniques learned in training. Additionally, the bill requires DPS, by rule and in consultation with TCOLE, to establish minimum standards for an annual continuing education course that is administered by a qualified handgun instructor for a tactical medical professional who has completed the initial training course. The bill defines "tactical medical professional" as a person who meets the following conditions:

- is a physician licensed under state law or emergency medical services personnel as defined by reference to the Emergency Health Care Act; and
- is employed or otherwise appointed by the head of a law enforcement agency to provide direct support to a tactical unit of the agency responding to a high-risk incident by providing medical services to victims, officers, and other persons at the incident.

C.S.H.B. 4995 requires DPS to issue a certificate of completion to a tactical medical professional who is a handgun license holder and who completes the initial training course or the continuing education course, as applicable. The bill establishes that a certificate of completion expires on the first anniversary of issuance and that a tactical medical professional is responsible for paying to the course provider the costs of the applicable training course.

C.S.H.B. 4995 requires the public safety director of DPS to adopt the rules necessary to implement the training courses not later than December 1, 2025. The bill prohibits a qualified handgun instructor from offering the initial training course before January 1, 2026.

C.S.H.B. 4995 amends the Civil Practice and Remedies Code to expand the applicability of the following provisions to include a tactical medical professional:

- a provision exempting governmental units from liability 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 who is licensed to carry the handgun; and
- a provision establishing that the discharge of a handgun by an individual who is a first responder or volunteer emergency services personnel and who is licensed to carry the handgun is outside the course and scope of the individual's duties as a first responder or volunteer emergency services personnel, as applicable.

The bill's changes to these provisions apply only to a cause of action that accrues on or after September 1, 2025. A cause of action that accrues before September 1, 2025, is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

C.S.H.B. 4995 amends the Penal Code to establish as a defense to prosecution for the offense of trespass by a handgun license holder with a concealed handgun or with an openly carried handgun that the license holder is a tactical medical professional who holds an unexpired certificate of course completion from DPS under the bill's provisions at the time of engaging in the applicable conduct and was engaged in the actual discharge of the tactical medical professional's duties while carrying the handgun. The bill also exempts a tactical medical professional from the offense of unlawful carrying of a weapon, the offense of possessing or going with certain weapons in a place where weapons are prohibited, and certain offenses relating to the carrying of a handgun by a license holder on the campus of an institution of higher education or related locations if the tactical medical professional:

- was carrying a handgun in a concealed manner or in a shoulder or belt holster;
- holds an unexpired certificate of course completion from DPS under the bill's provisions at the time of engaging in the applicable conduct; and
- was engaged in the actual discharge of the tactical medical professional's duties while carrying the handgun.

These provisions apply only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4995 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Both the introduced and the substitute define "tactical medical professional" as a person who is a physician licensed under state law and who is employed or otherwise appointed by the head of a law enforcement agency to provide direct support to a tactical unit of the agency responding to a high-risk incident by providing medical services to victims, officers, and other persons at the incident. However, the substitute includes in that term a person who is emergency medical services personnel, as defined by reference to the Emergency Health Care Act, and is employed or otherwise appointed as such.