

Chapter 1099

H.B. No. 3784

AN ACT

relating to certain applications to obtain a license to carry a handgun and to the associated handgun proficiency course.

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

SECTION 1. Section 411.171, Government Code, is amended by adding Subdivision (1) to read as follows:

(1) "Approved online course provider" means a person who is certified by the department to offer in an online format the classroom instruction part of the handgun proficiency course and to administer the associated written exam.

SECTION 2. Section 411.188, Government Code, is amended by amending Subsections (a), (b), (d), (g), and (i) and adding Subsections (c), (d-1), (e), and (j) to read as follows:

(a) The director by rule shall establish minimum standards for handgun proficiency and shall develop a course to teach handgun proficiency and examinations to measure handgun proficiency. The course to teach handgun proficiency is required for each person who seeks to obtain a license and must contain training sessions divided into two parts. One part of the course must be classroom instruction and the other part must be range instruction and an actual demonstration by the applicant of the applicant's ability to safely and proficiently use a handgun. An applicant must be able to demonstrate, at a minimum, the degree of proficiency that is required to effectively operate a handgun of .32 caliber or above.

1 The department shall distribute the standards, course
2 requirements, and examinations on request to any qualified handgun
3 instructor or approved online course provider seeking to administer
4 the course or a part of the course as described by Subsection (b).

5 (b) Only qualified handgun instructors may administer the
6 range instruction part of the handgun proficiency course. A
7 qualified handgun instructor or approved online course provider may
8 administer the classroom instruction part [~~or the range instruction~~
9 ~~part~~] of the handgun proficiency course. The classroom instruction
10 part of the course must include not less than four hours and not
11 more than six hours of instruction on:

12 (1) the laws that relate to weapons and to the use of
13 deadly force;

14 (2) handgun use and safety, including use of restraint
15 holsters and methods to ensure the secure carrying of openly
16 carried handguns;

17 (3) nonviolent dispute resolution; and

18 (4) proper storage practices for handguns with an
19 emphasis on storage practices that eliminate the possibility of
20 accidental injury to a child.

21 (c) An approved online course provider shall administer the
22 classroom instruction part of the handgun proficiency course in an
23 online format. A course administered online must include not less
24 than four hours and not more than six hours of instruction.

25 (d) Except as provided by Subsection (e), only [Only] a
26 qualified handgun instructor may administer the proficiency
27 examination to obtain a license. The proficiency examination must

1 include:

2 (1) a written section on the subjects listed in
3 Subsection (b); and

4 (2) a physical demonstration of proficiency in the use
5 of one or more handguns and in handgun safety procedures.

6 (d-1) A qualified handgun instructor shall require an
7 applicant who successfully completed an online version of the
8 classroom instruction part of the handgun proficiency course to
9 complete not less than one hour but not more than two hours of the
10 range instruction part of the handgun proficiency course before
11 allowing a physical demonstration of handgun proficiency as
12 described by Subsection (d)(2).

13 (e) An approved online course provider may administer
14 online through a secure portal the written portion of the
15 proficiency examination described by Subsection (d)(1).

16 (g) A person who wishes to obtain a license to carry a
17 handgun must apply in person to a qualified handgun instructor to
18 take the range instruction part of the [~~appropriate course in~~]
19 handgun proficiency course and to demonstrate handgun proficiency
20 as required by the department. A person must apply in person to a
21 qualified handgun instructor or online to an approved online course
22 provider, as applicable, to take the classroom instruction part of
23 the handgun proficiency course.

24 (i) A certified firearms instructor of the department may
25 monitor any class or training presented by a qualified handgun
26 instructor. A qualified handgun instructor shall cooperate with
27 the department in the department's efforts to monitor the

1 presentation of training by the qualified handgun instructor.

2 (j) A qualified handgun instructor or approved online
3 course provider shall make available for inspection to the
4 department any and all records maintained by the [~~a qualified~~
5 ~~handgun~~] instructor or course provider under this subchapter. The
6 qualified handgun instructor or approved online course provider
7 shall keep a record of all information required by department rule.

8 SECTION 3. Section 411.1881(a), Government Code, is amended
9 to read as follows:

10 (a) Notwithstanding any other provision of this subchapter,
11 a person may not be required to complete the range instruction
12 portion of a handgun proficiency course to obtain a license issued
13 under this subchapter if the person:

14 (1) is currently serving in or is honorably discharged
15 from:

16 (A) the army, navy, air force, coast guard, or
17 marine corps of the United States or an auxiliary service or reserve
18 unit of one of those branches of the armed forces; or

19 (B) the Texas military forces, as defined by
20 Section 437.001; and

21 (2) has, within the 10 [~~five~~] years preceding the date
22 of the person's application for the license, completed as part of
23 the person's service with the armed forces or Texas military
24 forces:

25 (A) a course of training in firearm [~~handgun~~]
26 proficiency or familiarization; or

27 (B) a range qualification process for firearm

1 usage [~~as part of the person's service with the armed forces or~~
2 ~~Texas military forces~~].

3 SECTION 4. The heading to Section 411.190, Government Code,
4 is amended to read as follows:

5 Sec. 411.190. QUALIFIED HANDGUN INSTRUCTORS AND APPROVED
6 ONLINE COURSE PROVIDERS.

7 SECTION 5. Section 411.190, Government Code, is amended by
8 adding Subsection (a-1) and amending Subsections (b), (c), (d),
9 (e), and (f) to read as follows:

10 (a-1) The director may certify as an approved online course
11 provider a person who has:

12 (1) at least three years of experience in providing
13 online instruction;

14 (2) experience working with governmental entities;
15 and

16 (3) direct knowledge of handgun training.

17 (b) In addition to the qualifications described by
18 Subsection (a) or (a-1), as appropriate, a qualified handgun
19 instructor or approved online course provider must be qualified to
20 instruct persons in:

21 (1) the laws that relate to weapons and to the use of
22 deadly force;

23 (2) handgun use, proficiency, and safety, including
24 use of restraint holsters and methods to ensure the secure carrying
25 of openly carried handguns;

26 (3) nonviolent dispute resolution; and

27 (4) proper storage practices for handguns, including

1 storage practices that eliminate the possibility of accidental
2 injury to a child.

3 (c) In the manner applicable to a person who applies for a
4 license to carry a handgun, the department shall conduct a
5 background check of a person who applies for certification as a
6 qualified handgun instructor or approved online course provider.
7 If the background check indicates that the applicant for
8 certification would not qualify to receive a handgun license, the
9 department may not certify the applicant as a qualified handgun
10 instructor or approved online course provider. If the background
11 check indicates that the applicant for certification would qualify
12 to receive a handgun license, the department shall provide handgun
13 instructor or online course provider training to the
14 applicant. The applicant shall pay a fee of \$100 to the department
15 for the training. The applicant must take and successfully
16 complete the training offered by the department and pay the
17 training fee before the department may certify the applicant as a
18 qualified handgun instructor or approved online course
19 provider. The department shall issue a license to carry a handgun
20 under the authority of this subchapter to any person who is
21 certified as a qualified handgun instructor or approved online
22 course provider and who pays to the department a fee of \$100 in
23 addition to the training fee. The department by rule may prorate
24 or waive the training fee for an employee of another governmental
25 entity.

26 (d) The certification of a qualified handgun instructor or
27 approved online course provider expires on the second anniversary

1 after the date of certification. To renew a certification, the
2 qualified handgun instructor or approved online course provider
3 must pay a fee of \$100 and take and successfully complete the
4 retraining courses required by department rule.

5 (e) After certification, a qualified handgun instructor or
6 approved online course provider may conduct training for applicants
7 for a license under this subchapter.

8 (f) If the department determines that a reason exists to
9 revoke, suspend, or deny a license to carry a handgun with respect
10 to a person who is a qualified handgun instructor or approved online
11 course provider or an applicant for certification as a qualified
12 handgun instructor or approved online course provider, the
13 department shall take that action against the person's:

14 (1) license to carry a handgun if the person is an
15 applicant for or the holder of a license issued under this
16 subchapter; and

17 (2) certification as a qualified handgun instructor or
18 approved online course provider.

19 SECTION 6. Section 411.191, Government Code, is amended to
20 read as follows:

21 Sec. 411.191. REVIEW OF DENIAL, REVOCATION, OR SUSPENSION
22 OF CERTIFICATION AS QUALIFIED HANDGUN INSTRUCTOR OR APPROVED ONLINE
23 COURSE PROVIDER. The procedures for the review of a denial,
24 revocation, or suspension of a license under Section 411.180 apply
25 to the review of a denial, revocation, or suspension of
26 certification as a qualified handgun instructor or approved online
27 course provider. The notice provisions of this subchapter relating

1 to denial, revocation, or suspension of handgun licenses apply to
2 the proposed denial, revocation, or suspension of a certification
3 of a qualified handgun instructor or approved online course
4 provider or an applicant for certification as a qualified handgun
5 instructor or approved online course provider.

6 SECTION 7. Section 411.192(d), Government Code, is amended
7 to read as follows:

8 (d) The department shall make public and distribute to the
9 public at no cost lists of individuals who are certified as
10 qualified handgun instructors by the department and who request to
11 be included as provided by Subsection (e) and lists of approved
12 online course providers. The department shall include on the lists
13 each individual's name, telephone number, e-mail address, and
14 Internet website address. The department shall make the lists
15 [~~list~~] available on the department's Internet website.

16 SECTION 8. Section 411.1991, Government Code, is amended by
17 adding Subsection (b-1) to read as follows:

18 (b-1) An applicant under this section who is a peace officer
19 and who complies with Subsection (a-1) and the other requirements
20 of this subchapter is not required to complete the handgun
21 proficiency course described by Section 411.188 to obtain a license
22 under this subchapter.

23 SECTION 9. Subchapter H, Chapter 411, Government Code, is
24 amended by adding Sections 411.1993 and 411.1994 to read as
25 follows:

26 Sec. 411.1993. COUNTY JAILERS. (a) In this section,
27 "county jailer" has the meaning assigned by Section 1701.001,

1 Occupations Code.

2 (b) A county jailer who holds a county jailer license issued
3 under Chapter 1701, Occupations Code, may apply for a license under
4 this subchapter.

5 (c) An applicant under this section who is a county jailer
6 shall submit to the department:

7 (1) the name and job title of the applicant;

8 (2) a current copy of the applicant's county jailer
9 license and evidence of employment as a county jailer; and

10 (3) evidence that the applicant has satisfactorily
11 completed the preparatory training program required under Section
12 1701.310, Occupations Code, including the demonstration of weapons
13 proficiency required as part of the training program under Section
14 1701.307 of that code.

15 (d) The department may issue a license under this subchapter
16 to an applicant under this section if the applicant complies with
17 Subsection (c) and meets all other requirements of this subchapter,
18 except that the applicant is not required to complete the range
19 instruction part of the handgun proficiency course described by
20 Section 411.188 if the department is satisfied, on the basis of the
21 evidence provided under Subsection (c)(3), that the applicant is
22 proficient in the use of handguns.

23 (e) The department shall waive any fee required for a
24 license issued under this subchapter to an applicant under this
25 section.

26 (f) A license issued to an applicant under this section
27 expires as provided by Section 411.183.

1 Sec. 411.1994. STATE CORRECTIONAL OFFICERS. (a) A
2 correctional officer of the Texas Department of Criminal Justice
3 may apply for a license under this subchapter.

4 (b) An applicant under this section shall submit to the
5 department:

6 (1) the name and job title of the applicant;

7 (2) evidence of employment as a correctional officer
8 of the Texas Department of Criminal Justice; and

9 (3) evidence that the applicant has satisfactorily
10 completed the correctional officer training program offered by the
11 Texas Department of Criminal Justice, including a demonstration of
12 weapons proficiency.

13 (c) The department may issue a license under this subchapter
14 to an applicant under this section if the applicant complies with
15 Subsection (b) and meets all other requirements of this subchapter,
16 except that the applicant is not required to complete the range
17 instruction part of the handgun proficiency course described by
18 Section 411.188 if the department is satisfied, on the basis of the
19 evidence provided under Subsection (b)(3), that the applicant is
20 proficient in the use of handguns.

21 (d) The department shall waive any fee required for a
22 license issued under this subchapter to an applicant under this
23 section.

24 (e) A license issued to an applicant under this section
25 expires as provided by Section 411.183.

26 SECTION 10. Sections 411.208(a), (b), and (e), Government
27 Code, are amended to read as follows:

1 (a) A court may not hold the state, an agency or subdivision
2 of the state, an officer or employee of the state, an institution of
3 higher education, an officer or employee of an institution of
4 higher education, a private or independent institution of higher
5 education that has not adopted rules under Section 411.2031(e), an
6 officer or employee of a private or independent institution of
7 higher education that has not adopted rules under Section
8 411.2031(e), a peace officer, [~~or~~] a qualified handgun instructor,
9 or an approved online course provider liable for damages caused by:

10 (1) an action authorized under this subchapter or a
11 failure to perform a duty imposed by this subchapter; or

12 (2) the actions of an applicant or license holder that
13 occur after the applicant has received a license or been denied a
14 license under this subchapter.

15 (b) A cause of action in damages may not be brought against
16 the state, an agency or subdivision of the state, an officer or
17 employee of the state, an institution of higher education, an
18 officer or employee of an institution of higher education, a
19 private or independent institution of higher education that has not
20 adopted rules under Section 411.2031(e), an officer or employee of
21 a private or independent institution of higher education that has
22 not adopted rules under Section 411.2031(e), a peace officer, [~~or~~]
23 a qualified handgun instructor, or an approved online course
24 provider for any damage caused by the actions of an applicant or
25 license holder under this subchapter.

26 (e) The immunities granted under Subsection (a) to a
27 qualified handgun instructor or approved online course provider do

1 not apply to a cause of action for fraud or a deceptive trade
2 practice.

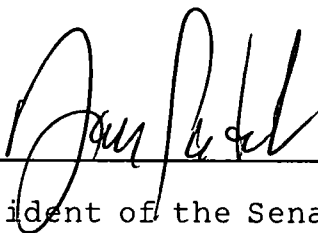
3 SECTION 11. Section 411.1952, Government Code, is repealed.

4 SECTION 12. Not later than December 1, 2017, the public
5 safety director of the Department of Public Safety shall adopt the
6 forms and procedures required by Section 411.1881, Government Code,
7 as amended by this Act.

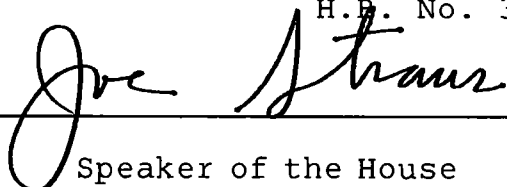
8 SECTION 13. The change in law made by this Act in amending
9 Section 411.1881, Government Code, applies only to an application
10 to obtain a license to carry a handgun submitted on or after
11 December 1, 2017. An application submitted before December 1,
12 2017, is governed by the law in effect on the date the application
13 was submitted, and the former law is continued in effect for that
14 purpose.

15 SECTION 14. The changes in law made by this Act in amending
16 Section 411.1991, Government Code, adding Sections 411.1993 and
17 411.1994, Government Code, and repealing Section 411.1952,
18 Government Code, apply only to a license issued on or after the
19 effective date of this Act.

20 SECTION 15. This Act takes effect September 1, 2017.



President of the Senate

H.B. No. 3784


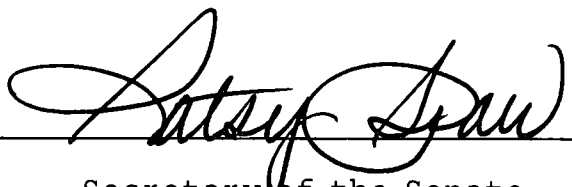
Speaker of the House

I certify that H.B. No. 3784 was passed by the House on May 3, 2017, by the following vote: Yeas 139, Nays 1, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3784 on May 24, 2017, by the following vote: Yeas 140, Nays 0, 2 present, not voting.



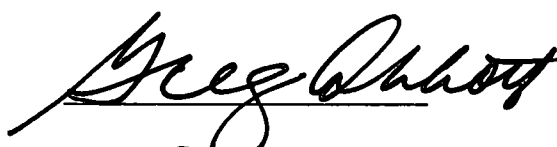
Chief Clerk of the House

I certify that H.B. No. 3784 was passed by the Senate, with amendments, on May 22, 2017, by the following vote: Yeas 30, Nays 1.




Secretary of the Senate

APPROVED: 6-12-2017
Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3 PM O'CLOCK

JUN 15 2017


Secretary of State

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 23, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3784 by Holland (Relating to persons approved by the Department of Public Safety to administer online the classroom instruction part of the handgun proficiency course.), **As Passed 2nd House**

The fiscal implications of the bill cannot be determined at this time. It is unknown to what extent county jailers or state correctional officers would apply for a license to carry a handgun

The bill would amend multiple sections of the Government Code to:

- 1) Authorize the administration of online courses for the classroom portion of handgun proficiency instruction.
- 2) Require the Department of Public Safety (DPS) to distribute standards and course requirements to approved online course providers.
- 3) Exempt from range instruction certain persons applying for a license to carry a handgun. The provisions of the bill would apply to a person who has, within ten years preceding the date of the person's application for the license, completed a range qualification process for firearm usage as a part of the person's service with the armed forces or Texas Military Forces.
- 4) Eliminate the requirement for a peace officer to complete the handgun proficiency course described by Section 411.188, Government Code, in order to obtain an original or renewal license to carry a handgun.
- 5) Authorize an applicant for an original or renewal license to carry a handgun who is a county jailer or a state correctional officer to be exempted from range instruction, as described by Section 411.188, Government Code, if DPS is satisfied that the applicant is proficient in the use of a handgun, and providing that the applicant submits to DPS additional information including job validation and evidence that the applicant has satisfactorily completed a training program, as required by the bill.
- 6) Require DPS to waive any fee required for an original or renewal license to carry a handgun for an applicant who is a county jailer or a state correctional officer. The Comptroller of Public Accounts (CPA) reports the provision excluding police officers from the handgun proficiency course requirement would have no fiscal impact. The CPA also reports the total number of county jailer and correctional officer applicants subject to the bill's provisions who would apply for or renew a license to carry a handgun in this subchapter is unknown. Therefore, the fiscal impact to the state cannot be determined.

It is assumed any costs associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: UP, JAW, AG, FR, AI, JGA

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 11, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3784 by Holland (Relating to persons approved by the Department of Public Safety to administer online the classroom instruction part of the handgun proficiency course.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend multiple sections of the Government Code to authorize the administration of online courses for the classroom portion of handgun proficiency instruction. The bill would require the Department of Public Safety to distribute standards and course requirements to approved online course providers. It is assumed any costs associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: UP, AG, FR, AI, JAW, JGA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 14, 2017

TO: Honorable Phil King, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB3784** by Holland (Relating to persons approved by the Department of Public Safety to administer online the classroom instruction part of the handgun proficiency course.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend multiple sections of the Government Code to authorize the administration of online courses for the classroom portion of handgun proficiency instruction. The bill would require the Department of Public Safety to distribute standards and course requirements to approved online course providers. It is assumed any costs associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: UP, FR, AI, JAW, JGA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 3, 2017

TO: Honorable Phil King, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3784 by Holland (Relating to persons approved by the Department of Public Safety to offer an online course for the classroom portion of handgun proficiency instruction.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend multiple sections of the Government Code to authorize the use of online courses for the classroom portion of handgun proficiency instruction. It is assumed any costs associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: UP, FR, AI, JAW, JGA