

## **BILL ANALYSIS**

C.S.S.B. 264  
By: Perry  
Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties suggest that individuals employed as peace officers, county jailers, or state correctional officers often undergo extensive weapons training beyond what is required to obtain a license to carry a handgun in Texas, but that these individuals may find themselves required to complete a handgun proficiency course to obtain such a license. C.S.S.B. 264 seeks to address this issue by exempting peace officers from certain handgun proficiency requirements as part of the handgun licensing process and providing for the issuance of a handgun license to certain county jailers and correctional officers who can demonstrate previous weapons training.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 264 amends the Government Code to exempt a handgun license applicant who is a peace officer and who submits certain specified information to the Department of Public Safety (DPS) and complies with statutory handgun licensing requirements from the requirement to complete the handgun proficiency course as part of the licensure process.

C.S.S.B. 264 authorizes a county jailer who holds a county jailer license to apply for a handgun license and requires such an applicant to submit to DPS the applicant's name and job title, a current copy of the applicant's county jailer license and evidence of employment as a county jailer, and evidence that the applicant has satisfactorily completed the preparatory training program required under the Occupations Code for appointment as a county jailer, including the demonstration of weapons proficiency required as part of the training program. The bill authorizes DPS to issue a handgun license to such an applicant if the applicant complies with those requirements and meets all other applicable handgun licensing requirements, except for completion of the range instruction part of the handgun proficiency course if DPS is satisfied, on the basis of the provided evidence, that the applicant is proficient in the use of handguns. The bill requires DPS to waive any fee required for a handgun license for such an applicant who is a county jailer and establishes that a license issued to such an applicant expires as provided by applicable state handgun licensing law.

C.S.S.B. 264 authorizes a correctional officer of the Texas Department of Criminal Justice (TDCJ) to apply for a handgun license and requires such an applicant to submit to DPS the applicant's name and job title, evidence of employment as a correctional officer of TDCJ, and

evidence that the applicant has satisfactorily completed the correctional officer training program offered by TDCJ, including a demonstration of weapons proficiency. The bill authorizes DPS to issue a handgun license to such an applicant if the applicant complies with those requirements and meets all other applicable handgun licensing requirements, except for completion of the range instruction part of the handgun proficiency course if DPS is satisfied, on the basis of the provided evidence, that the applicant is proficient in the use of handguns. The bill requires DPS to waive any fee required for a handgun license for such an applicant who is a correctional officer and establishes that a license issued to such an applicant expires as provided by applicable state handgun licensing law.

C.S.S.B 264 repeals Section 411.1952, Government Code.

**EFFECTIVE DATE**

September 1, 2017.

**COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

SENATE ENGROSSED

No equivalent provision.

SECTION 1. Subchapter H, Chapter 411, Government Code, is amended by adding Sections 411.1993 and 411.1994 to read as follows:

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

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

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

- (1) the name and job title of the applicant;
- (2) a current copy of the applicant's county jailer license and evidence of employment as a county jailer; and
- (3) evidence that the applicant has satisfactorily completed the preparatory training program required under Section 1701.310, Occupations Code, including the demonstration of weapons proficiency required as part of the training program

HOUSE COMMITTEE SUBSTITUTE

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

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

SECTION 2. Subchapter H, Chapter 411, Government Code, is amended by adding Sections 411.1993 and 411.1994 to read as follows:

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

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

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

- (1) the name and job title of the applicant;
- (2) a current copy of the applicant's county jailer license and evidence of employment as a county jailer; and
- (3) evidence that the applicant has satisfactorily completed the preparatory training program required under Section 1701.310, Occupations Code, including the demonstration of weapons proficiency required as part of the training program

under Section 1701.307 of that code.

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

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

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

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

- (1) the name and job title of the applicant;
- (2) evidence of employment as a correctional officer of the Texas Department of Criminal Justice; and
- (3) evidence that the applicant has satisfactorily completed the correctional officer training program offered by the Texas Department of Criminal Justice, including a demonstration of weapons proficiency.

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

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

under Section 1701.307 of that code.

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

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

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

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

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

- (1) the name and job title of the applicant;
- (2) evidence of employment as a correctional officer of the Texas Department of Criminal Justice; and
- (3) evidence that the applicant has satisfactorily completed the correctional officer training program offered by the Texas Department of Criminal Justice, including a demonstration of weapons proficiency.

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

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

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

411.183.

SECTION 2. Section 411.1952, Government Code, is transferred to Section 411.1994, Government Code, as added by this Act, redesignated as Subsection (d) of that section, and amended to read as follows:

~~(d) An [Sec. 411.1952. REDUCTION OF FEES FOR EMPLOYEES OF TEXAS DEPARTMENT OF CRIMINAL JUSTICE. Notwithstanding any other provision of this subchapter, an] applicant under this section must [who is a correctional officer of the Texas Department of Criminal Justice shall] pay a fee of \$25 for the issuance of an original or renewed license under this subchapter.~~

SECTION 3. The change in law made by this Act applies only to a license issued on or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2017.

411.183.

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

SECTION 4. Same as engrossed version.

SECTION 5. Same as engrossed version.