

BILL ANALYSIS

Senate Research Center
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H.B. 3784
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that requiring certain aspects of the handgun license application process to be completed in person is overly burdensome and unnecessary. H.B. 3784 seeks to address this issue by allowing persons approved by the Department of Public Safety to offer an online course for the classroom portion of handgun proficiency instruction.

H.B. 3784 authorizes an online course provider certified by the Department of Public Safety (DPS) to offer in an online format the classroom instruction part of the handgun proficiency course required under state law to obtain a handgun license and authorizes the public safety director of DPS to certify as an approved online course provider a person who has at least three years of experience in providing online instruction, experience working with governmental entities, and direct knowledge of handgun training. The bill subjects an approved online course provider to certain statutory qualifications and requirements applicable to a qualified handgun instructor authorized to administer a handgun proficiency course. The bill requires DPS to distribute the standards, course requirements, and examinations for the handgun proficiency course on request to any approved online course provider seeking to administer the course or a part of the course online and requires an approved online course provider to administer the classroom instruction part of the course in an online format that includes not less than four hours and not more than six hours of instruction. The bill requires a qualified handgun instructor to require a handgun license applicant who successfully completed an online version of the classroom instruction part of the handgun proficiency course to complete not less than one hour but not more than two hours of the range instruction part of the course before allowing a physical demonstration of handgun proficiency and authorizes the online course provider to administer online through a secure portal the written portion of the proficiency examination.

H.B. 3784 requires a person to apply in person to a qualified handgun instructor or online to an approved online course provider, as applicable, to take the classroom instruction part of the handgun proficiency course. The bill requires an online course provider to make available for inspection to DPS any and all records maintained by the course provider in relation to handgun licenses and requires the course provider to keep a record of all information required by DPS rule.

H.B. 3784 includes an approved online course provider within the scope of statutory provisions relating to the review of denial, revocation, or suspension of certification as a qualified handgun instructor and statutory provisions limiting the liability of certain persons with respect to state handgun licensing law. The bill requires DPS to make public, including on the DPS website, and to distribute to the public at no cost lists of approved online course providers and their specified contact information.

H.B. 3784 amends current law relating to persons approved by the Department of Public Safety to administer online the classroom instruction part of the handgun proficiency course.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.171, Government Code, by adding Subdivision (1), to define "approved online course provider."

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

(a) Requires the Texas Department of Public Safety (DPS) to distribute the standards, course requirements, and examinations on request to any qualified handgun instructor or approved online course provider seeking to administer the course or a part of the course as described by Subsection (b).

(b) Authorizes only qualified handgun instructors to administer the range instruction part of the handgun proficiency course. Authorizes a qualified handgun instructor or approved online course provider to administer the classroom instruction part, rather than administer the classroom instruction part or the range instruction part, of the handgun proficiency course.

(c) Requires an approved online course provider to administer the classroom instruction part of the handgun proficiency course in an online format. Requires that a course administered online include not less than four hours and not more than six hours of instruction.

(d) Authorizes a qualified handgun instructor, except as provided by Subsection (e), to administer the proficiency examination to obtain a license.

(d-1) Requires a qualified handgun instructor to require an applicant who successfully completed an online version of the classroom instruction part of the handgun proficiency course to complete not less than one hour but not more than two hours of the range instruction part of the handgun proficiency course before allowing a physical demonstration of handgun proficiency as described by Subsection (d)(2) (relating to requiring the proficiency examination to include a physical demonstration of proficiency in the use of one or more handguns and in handgun safety procedures).

(e) Authorizes an approved online course provider to administer online through a secure portal the written portion of the proficiency examination described by Subsection (d)(1) (relating to requiring that the proficiency examination include a written section on certain subjects).

(g) Requires a person who wishes to obtain a license to carry a handgun to apply in person to a qualified handgun instructor to take the range instruction part of the, rather than appropriate course in, handgun proficiency course and to demonstrate handgun proficiency as required by DPS. Requires a person to apply in person to a qualified handgun instructor or online to an approved online course provider, as applicable, to take the classroom instruction part of the handgun proficiency course.

(i) Authorizes a certified firearms instructor of DPS to monitor any class or training presented by a qualified handgun instructor. Requires a qualified handgun instructor to cooperate with DPS in DPS' efforts to monitor the presentation of training by the qualified handgun instructor.

(j) Creates this subsection from existing text. Requires a qualified handgun instructor or approved online course provider to make available for inspection to DPS any and all records maintained by the instructor or course provider, rather than a qualified handgun instructor, under this subchapter. Requires the qualified handgun instructor or approved online course provider to keep a record of all information required by DPS rule.

SECTION 3. Amends the heading to Section 411.190, Government Code, to read as follows:

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

SECTION 4. Amends Section 411.190, Government Code, by adding Subsection (a-1) and amending Subsections (b), (c), (d), (e), and (f), as follows:

(a-1) Authorizes the public safety director (director) to certify as an approved online course provider a person who has at least three years of experience in providing online instruction, experience working with governmental entities, and direct knowledge of handgun training.

(b) Requires a qualified handgun instructor or approved online course provider, in addition to the qualifications described by Subsection (a) (relating to authorizing the director to certify as a qualified handgun instructor a person who meets certain criteria) or (a-1), as appropriate, a qualified handgun instructor or approved online course provider to be qualified to instruct persons in certain information and techniques regarding handguns.

(c) Makes conforming changes.

(d) Makes conforming changes.

(e) Makes a conforming change.

(f) Makes conforming changes.

SECTION 5. Amends Section 411.191, Government Code, as follows:

Sec. 411.191. New heading: REVIEW OF DENIAL, REVOCATION, OR SUSPENSION OF CERTIFICATION AS QUALIFIED HANDGUN INSTRUCTOR OR APPROVED ONLINE COURSE PROVIDER. Makes conforming changes.

SECTION 6. Amends Section 411.192(d), Government Code, as follows:

(d) Requires DPS to make public and distribute to the public at no cost lists of individuals who are certified as qualified handgun instructors by DPS and who request to be included as provided by Subsection (e) and lists of approved online course providers. Makes a nonsubstantive change.

SECTION 7. Amends Sections 411.208(a), (b), and (e), Government Code, to make conforming and nonsubstantive changes.

SECTION 8. Effective date: September 1, 2017.