

BILL ANALYSIS

Senate Research Center
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H.B. 3706
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised regarding the fact that the streamlined handgun license application process and application fee waivers and reductions made available for active and retired peace officers have not been made available to active and retired railroad peace officers and special rangers of the Texas and Southwestern Cattle Raisers Association. H.B. 3706 seeks to extend these benefits to those officers, both active and honorably retired.

H.B. 3706 amends current law relating to a license to carry a handgun for active and retired railroad peace officers and for special rangers of the Texas and Southwestern Cattle Raisers Association.

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 Sections 411.199(a), (b), and (c), Government Code, as follows:

(a) Authorizes the following peace officers to apply for a license issued under this subchapter (License to Carry a Handgun) at any time after retirement:

(1) redesignates Subsection (a) as Subdivision (1) and makes nonsubstantive changes to this subdivision;

(2) a railroad peace officer appointed by the public safety director (director) under Article 2.121 (Railroad Peace Officers), Code of Criminal Procedure, who holds a certificate of authority issued by the director under that article and a peace officer license issued by the Texas Commission on Law Enforcement (TCOLE);
or

(3) a special ranger of the Texas and Southwestern Cattle Raisers Association appointed by the director under Article 2.125 (Special Rangers of Texas and Southwestern Cattle Raisers Association), Code of Criminal Procedure, who holds a certificate of authority issued by the director under that article and a peace officer license issued by TCOLE.

Deletes text authorizing a person who is licensed as a peace officer under Chapter 1701, Occupation Code, and who had been employed fulltime as a peace officer by a law enforcement agency, to apply for a license under this subchapter at any time after retirement.

(b) Requires the person to submit two complete sets of legible and classifiable fingerprints and a sworn statement from the head of the law enforcement agency that employed the applicant or other former employer of the applicant, as applicable, rather than requiring the person to submit two complete sets of legible and classifiable fingerprints and a sworn statement from the head of the law enforcement

agency employing the applicant. Prohibits a head of a law enforcement agency or other former employer, rather than a head of a law enforcement agency, from refusing to issue a statement under this subsection. Requires the statement to include:

(1)–(2) makes no changes to these subdivisions;

(3) whether the applicant was accused of misconduct at the time of the retirement, rather than whether or not the applicant was accused of misconduct at the time of the retirement;

(4)–(5) makes no changes to these subdivisions;

(6) whether the applicant would be eligible for reemployment with the agency or employer, rather than reemployment with the agency, and if not, the reasons the applicant is not eligible; and

(7) a recommendation from the agency head or the employer, rather than a recommendation from the agency head, regarding the issuance of a license under this subchapter.

(c) Authorizes the Department of Public Safety of the State of Texas (DPS) to issue a license issued under this subchapter to an applicant under this section if the applicant meets certain criteria. Defines "honorably retired" for purposes of this subsection.

SECTION 2. Amends Sections 411.1991(a), (a-1), and (b-1), Government Code, as follows:

(a) Authorizes a person to apply for a license issued under this subchapter if the person is:

(1) creates this subdivision from existing text from Subdivision (a) and makes a nonsubstantive change;

(2) a railroad peace officer appointed by the director under Article 2.121 (Railroad Peace Officers), Code of Criminal Procedure, who holds a certificate of authority issued by the director under that article and a peace officer license issued by TCOLE;

(3) a special ranger of the Texas and Southwestern Cattle Raisers Association appointed by the director under Article 2.125 (Special Rangers of Texas and Southwestern Cattle Raisers Association), Code of Criminal Procedure, who holds a certificate of authority issued by the director under that article and a peace officer license issued by TCOLE; or

(4) a member of the Texas military forces, excluding Texas State Guard members who are serving in the Texas Legislature and makes nonsubstantive changes.

(a-1) Requires an applicant who is a peace officer described by Subsection (a)(1), (2), or (3), to submit to DPS:

(1) makes no changes to these subdivisions;

(2) a current copy of the applicant's license issued by TCOLE and evidence of employment as a peace officer, railroad peace officer, or special ranger, as applicable, rather than a current copy of the applicant's peace officer license and evidence of employment as a peace officer.

(b-1) Provides that an applicant under this section who is a peace officer described by Subsection (a)(1), (2), or (3) 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 (Handgun Proficiency Requirement) to obtain a license issued under this subchapter, rather than providing that 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 3. Effective date: September 1, 2019.