

BILL ANALYSIS

Senate Research Center
86R23683 MAW-F

C.S.S.B. 1879
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Criminal Justice
4/17/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, peace officers are required to receive firearms training and demonstrate weapons proficiency to receive their license and to demonstrate proficiency each year to keep the license. Similarly, some sheriffs use county jailers for duties that require them to carry a firearm, such as transporting inmates. In response, the Texas Commission on Law Enforcement has developed a training course to train county jailers for such duties.

Despite the recognition for the need for county jailers who need to carry a firearm in their official duties to have this training, there is no statutory requirement for county jailers used in this capacity to receive firearms training or to demonstrate weapons proficiency initially or each year, in order to earn or keep the right, under the license, to carry a firearm on duty.

S.B. 1879 would require county jailers who carry a firearm in the performance of their official duties to receive firearms training and show weapons proficiency to earn the right, under the license, to carry a firearm while performing official duties and to keep the right each year. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1879 amends current law relating to firearms training for county jailers.

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 Subchapter F, Chapter 1701, Occupations Code, by adding Section 1701.2561, as follows:

Sec. 1701.2561. FIREARMS TRAINING FOR COUNTY JAILERS. (a) Requires the Texas Commission on Law Enforcement (TCOLE) to develop a basic training program in the use of firearms by county jailers. Requires the program to provide instruction in:

- (1) legal limitations on the use of firearms and on the powers and authority of jailers;
- (2) range firing and procedure;
- (3) firearms safety and maintenance; and
- (4) other topics determined by TCOLE to be necessary for the responsible use of firearms by jailers.

(b) Requires TCOLE to administer the training program and to issue a certificate of firearms proficiency to each county jailer TCOLE determines has successfully completed the program.

(c) Authorizes a county jailer who is issued a certificate of firearms proficiency and who maintains weapons proficiency as required by Section 1701.355 (Continuing Demonstration of Weapons Proficiency) to carry a firearm:

(1) during the course of performing duties as a county jailer, including while transporting persons confined in the county jail; and

(2) while traveling to or from the jailer's place of assignment.

SECTION 2. Amends Section 1701.355, Occupations Code, by adding Subsection (a-1) and amending Subsection (b), as follows:

(a-1) Requires an agency that employs one or more county jailers who have been issued a certificate of firearms proficiency under Section 1701.2561 to designate a firearms proficiency officer and require the jailers to demonstrate weapons proficiency to the firearms proficiency officer at least annually. Requires the agency to maintain records of the weapons proficiency of the agency's jailers. Provides that a county jailer's failure to demonstrate weapons proficiency does not affect the county jailer's license under this chapter (Law Enforcement Officers).

(b) Authorizes TCOLE, on request, to waive the requirement that a peace officer or county jailer, rather than a peace officer, demonstrate weapons proficiency on a determination by TCOLE that the requirement causes a hardship.

SECTION 3. Effective date: upon passage or September 1, 2019.