

## **BILL ANALYSIS**

Senate Research Center

S.B. 198  
By: Nelson  
State Affairs  
5/31/2021  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Honorably retired Texas law enforcement officers are licensed by the Texas Commission on Law Enforcement, which provides them the ability to continue carrying a firearm.

The honorably retired officer must complete a weapons qualification yearly. This can be done at the law enforcement agency from which they retire. Alternatively, an active duty Texas law enforcement firearms instructor may certify completion, but there are often not many instructors available. This puts a burden on many of the retired officers who have moved away from the law enforcement agency where they previously served. Conversely, any honorably retired out-of-state officer or federal officer may complete their weapons qualification yearly with any state permitted license to carry instructor, who are located all over the state and much easier to schedule. S.B. 198 provides our retired Texas law enforcement officers parity with retired federal and out-of-state officers who are allowed a more convenient method to obtain status as a qualified retired law enforcement officer.

S.B. 198 amends current law relating to the demonstration of weapons proficiency by qualified retired law enforcement officers.

### **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 1701.357, Occupations Code, by amending Subsections (a) and (c-1) and adding Subsections (b-1), (b-2), (c-2), and (f-1), as follows:

(a) Defines "qualified handgun instructor" for purposes of Section 1701.357 (Weapons Proficiency for Qualified Retired Law Enforcement Officers). Makes a nonsubstantive change.

(b-1) Requires the Texas Commission on Law Enforcement (TCOLE) to issue a certificate of proficiency to a qualified retired law enforcement officer who:

(1) satisfactorily demonstrates weapons proficiency to a qualified handgun instructor under Subsection (b-2);

(2) provides to TCOLE a sworn affidavit stating that:

(A) the officer meets the requirements for a qualified retired law enforcement officer under 18 U.S.C. Section 926C;

(B) the officer's license as a qualified law enforcement officer was not revoked or suspended for any period during the officer's term of service; and

(C) the officer has no psychological or physical disability that would interfere with the officer's proper handling of a handgun; and

(3) otherwise satisfies the applicable procedures established by TCOLE under Subsection (c-1).

(b-2) Authorizes a qualified handgun instructor to allow any qualified retired law enforcement officer an opportunity to demonstrate weapons proficiency if the officer provides to the instructor a copy of the sworn affidavit described by Subsection (b-1)(2).

(c-1) Requires TCOLE to establish written procedures and forms for qualified handgun instructors regarding the manner in which demonstrations are conducted and the communication of demonstration results to TCOLE and for the issuance or denial of certificates of proficiency to qualified retired law enforcement officers. Requires TCOLE to maintain records of any person who holds a certificate issued under Subsection (b-1).

(c-2) Creates this subsection from existing text and makes no further changes.

(f-1) Authorizes a qualified handgun instructor to collect a reasonable fee for the purpose of evaluating a demonstration of weapons proficiency under this section.

SECTION 2. Effective date: September 1, 2021.