

1-1 By: Dean (Senate Sponsor - Hughes) H.B. No. 3706  
 1-2 (In the Senate - Received from the House April 29, 2019;  
 1-3 April 29, 2019, read first time and referred to Committee on State  
 1-4 Affairs; May 16, 2019, reported favorably by the following vote:  
 1-5 Yeas 9, Nays 0; May 16, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to a license to carry a handgun for active and retired  
 1-20 railroad peace officers and for special rangers of the Texas and  
 1-21 Southwestern Cattle Raisers Association.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Sections 411.199(a), (b), and (c), Government  
 1-24 Code, are amended to read as follows:

1-25 (a) The following peace officers may apply for a license  
 1-26 issued under this subchapter at any time after retirement:

1-27 (1) a [A] person who is licensed as a peace officer  
 1-28 under Chapter 1701, Occupations Code, and who has been employed  
 1-29 full-time as a peace officer by a law enforcement agency;

1-30 (2) a railroad peace officer appointed by the director  
 1-31 under Article 2.121, Code of Criminal Procedure, who holds a  
 1-32 certificate of authority issued by the director under that article  
 1-33 and a peace officer license issued by the Texas Commission on Law  
 1-34 Enforcement; or

1-35 (3) a special ranger of the Texas and Southwestern  
 1-36 Cattle Raisers Association appointed by the director under Article  
 1-37 2.125, Code of Criminal Procedure, who holds a certificate of  
 1-38 authority issued by the director under that article and a peace  
 1-39 officer license issued by the Texas Commission on Law Enforcement  
 1-40 [may apply for a license under this subchapter at any time after  
 1-41 retirement].

1-42 (b) The person shall submit two complete sets of legible and  
 1-43 classifiable fingerprints and a sworn statement from the head of  
 1-44 the law enforcement agency that employed [employing] the applicant  
 1-45 or other former employer of the applicant, as applicable. A head of  
 1-46 a law enforcement agency or other former employer may not refuse to  
 1-47 issue a statement under this subsection. If the applicant alleges  
 1-48 that the statement is untrue, the department shall investigate the  
 1-49 validity of the statement. The statement must include:

1-50 (1) the name and rank of the applicant;

1-51 (2) the status of the applicant before retirement;

1-52 (3) whether ~~or not~~ the applicant was accused of  
 1-53 misconduct at the time of the retirement;

1-54 (4) the physical and mental condition of the  
 1-55 applicant;

1-56 (5) the type of weapons the applicant had demonstrated  
 1-57 proficiency with during the last year of employment;

1-58 (6) whether the applicant would be eligible for  
 1-59 reemployment with the agency or employer, and if not, the reasons  
 1-60 the applicant is not eligible; and

1-61 (7) a recommendation from the agency head or the

2-1 employer regarding the issuance of a license under this subchapter.  
2-2 (c) The department may issue a license issued under this  
2-3 subchapter to an applicant under this section if the applicant is  
2-4 honorably retired and physically and emotionally fit to possess a  
2-5 handgun. In this subsection, "honorably retired" means the  
2-6 applicant:

2-7 (1) did not retire in lieu of any disciplinary action;  
2-8 (2) was eligible to retire from the law enforcement  
2-9 agency or other former employer or was ineligible to retire only as  
2-10 a result of an injury received in the course of the applicant's  
2-11 employment [~~with the agency~~]; and

2-12 (3) for a peace officer described by Subsection  
2-13 (a)(1), is entitled to receive a pension or annuity for service as a  
2-14 law enforcement officer or is not entitled to receive a pension or  
2-15 annuity only because the law enforcement agency that employed the  
2-16 applicant does not offer a pension or annuity to its employees.

2-17 SECTION 2. Sections 411.1991(a), (a-1), and (b-1),  
2-18 Government Code, are amended to read as follows:

2-19 (a) A person may apply for a license issued under this  
2-20 subchapter if the person [~~who~~] is:

2-21 (1) licensed as a peace officer under Chapter 1701,  
2-22 Occupations Code, and employed as a peace officer by a law  
2-23 enforcement agency;

2-24 (2) a railroad peace officer appointed by the director  
2-25 under Article 2.121, Code of Criminal Procedure, who holds a  
2-26 certificate of authority issued by the director under that article  
2-27 and a peace officer license issued by the Texas Commission on Law  
2-28 Enforcement;

2-29 (3) a special ranger of the Texas and Southwestern  
2-30 Cattle Raisers Association appointed by the director under Article  
2-31 2.125, Code of Criminal Procedure, who holds a certificate of  
2-32 authority issued by the director under that article and a peace  
2-33 officer license issued by the Texas Commission on Law  
2-34 Enforcement; [~~7~~] or

2-35 (4) [~~who is~~] a member of the Texas military forces,  
2-36 excluding Texas State Guard members who are serving in the Texas  
2-37 Legislature [~~, may apply for a license under this subchapter~~].

2-38 (a-1) An applicant who is a peace officer described by  
2-39 Subsection (a)(1), (2), or (3) shall submit to the department:

2-40 (1) the name and rank of the applicant; and

2-41 (2) a current copy of the applicant's [~~peace officer~~]  
2-42 license issued by the Texas Commission on Law Enforcement and  
2-43 evidence of employment as a peace officer, railroad peace officer,  
2-44 or special ranger, as applicable.

2-45 (b-1) An applicant under this section who is a peace officer  
2-46 described by Subsection (a)(1), (2), or (3) and who complies with  
2-47 Subsection (a-1) and the other requirements of this subchapter is  
2-48 not required to complete the handgun proficiency course described  
2-49 by Section 411.188 to obtain a license issued under this  
2-50 subchapter.

2-51 SECTION 3. This Act takes effect September 1, 2019.

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