

BILL ANALYSIS

C.S.H.B. 3784
By: Holland
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that requiring certain aspects of the handgun license application process to be completed in person is overly burdensome and unnecessary. C.S.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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3784 amends the Government Code to authorize 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 to authorize 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.

C.S.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.

C.S.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 that contain specified contact information.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3784 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 411.171, Government Code, is amended.

SECTION 2. Section 411.188, Government Code, is amended by amending Subsections (b), (d), (g), and (i) and adding Subsections (c), (e), and (j) to read as follows:

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Substantially the same as introduced version.

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

(a) The director by rule shall establish minimum standards for handgun proficiency and shall develop a course to teach handgun proficiency and examinations to measure handgun proficiency. The course to teach handgun proficiency is required for each person who seeks to obtain a license and must contain training sessions divided into two parts. One part of the course must be classroom instruction and the other part must be range instruction and an actual demonstration by the applicant of the applicant's ability to safely and proficiently use a handgun. An applicant must be able to demonstrate, at a minimum, the degree of proficiency that is required to effectively operate a handgun of .32 caliber or above. The department shall 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) Only qualified handgun instructors may administer the range instruction part of the handgun proficiency course. A qualified handgun instructor or approved online course provider may administer the classroom instruction part [~~or the range instruction part~~] of the handgun proficiency course. Except as provided by Subsection (c), the [The] classroom instruction part of the course must include not less than four hours and not more than six hours of instruction on:

- (1) the laws that relate to weapons and to the use of deadly force;
- (2) handgun use and safety, including use of restraint holsters and methods to ensure the secure carrying of openly carried handguns;
- (3) nonviolent dispute resolution; and
- (4) proper storage practices for handguns with an emphasis on storage practices that eliminate the possibility of accidental injury to a child.

(c) An approved online course provider shall administer the classroom instruction part of the handgun proficiency course in an online format. A course administered online must include at least six hours of instruction.

(d) Except as provided by Subsection (e), only [~~Only~~] a qualified handgun instructor may administer the proficiency examination to obtain a license. The proficiency examination must include:

- (1) a written section on the subjects listed in Subsection (b); and
- (2) a physical demonstration of proficiency in the use of one or more handguns and in handgun safety procedures.

No equivalent provision.

(b) Only qualified handgun instructors may administer the range instruction part of the handgun proficiency course. A qualified handgun instructor or approved online course provider may administer the classroom instruction part [~~or the range instruction part~~] of the handgun proficiency course. The classroom instruction part of the course must include not less than four hours and not more than six hours of instruction on:

- (1) the laws that relate to weapons and to the use of deadly force;
- (2) handgun use and safety, including use of restraint holsters and methods to ensure the secure carrying of openly carried handguns;
- (3) nonviolent dispute resolution; and
- (4) proper storage practices for handguns with an emphasis on storage practices that eliminate the possibility of accidental injury to a child.

(c) An approved online course provider shall administer the classroom instruction part of the handgun proficiency course in an online format. A course administered online must include not less than four hours and not more than six hours of instruction.

(d). Same as introduced version.

(d-1) A qualified handgun instructor shall 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).

(e) An approved online course provider may administer online the written portion of the proficiency examination described by Subsection (d)(1) through a secure portal.

(g) A person who wishes to obtain a license to carry a handgun must apply in person to a qualified handgun instructor to take the range instruction [appropriate] course in handgun proficiency and demonstrate handgun proficiency as required by the department. A person may 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) A certified firearms instructor of the department may monitor any class or training presented by a qualified handgun instructor. A qualified handgun instructor shall cooperate with the department in the department's efforts to monitor the presentation of training by the qualified handgun instructor.

(j) A qualified handgun instructor or approved online course provider shall make available for inspection to the department any and all records maintained by the [a qualified handgun] instructor or course provider under this subchapter. The qualified handgun instructor or approved online course provider shall keep a record of all information required by department rule.

SECTION 3. The heading to Section 411.190, Government Code, is amended.

SECTION 4. Section 411.190, Government Code, is amended.

SECTION 5. The heading to Section 411.1901, Government Code, is amended to read as follows:

Sec. 411.1901. SCHOOL SAFETY CERTIFICATION FOR QUALIFIED HANDGUN INSTRUCTORS AND APPROVED ONLINE COURSE PROVIDERS.

SECTION 6. Sections 411.1901(a) and (c), Government Code, are amended to read as follows:

(e). Substantially the same as introduced version.

(g) A person who wishes to obtain a license to carry a handgun must apply in person to a qualified handgun instructor to take the range instruction part of the [appropriate course in] handgun proficiency course and to demonstrate handgun proficiency as required by the department. A person must 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). Same as introduced version.

(j). Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Substantially the same as introduced version.

No equivalent provision.

No equivalent provision.

(a) The department shall establish a process to enable qualified handgun instructors and approved online course providers certified under Section 411.190 to obtain an additional certification in school safety. The process must include a school safety certification course that provides training in the following:

- (1) the protection of students;
- (2) interaction of license holders with first responders;
- (3) tactics for denying an intruder entry into a classroom or school facility; and
- (4) methods for increasing a license holder's accuracy with a handgun while under duress.

(c) A qualified handgun instructor or approved online course provider certified in school safety under this section may provide school safety training, including instruction in the subjects listed under Subsection (a), to employees of a school district or an open-enrollment charter school who hold a license to carry a handgun issued under this subchapter. An approved online course provider shall provide the training and instruction under this section online.

SECTION 7. Section 411.191, Government Code, is amended.

SECTION 8. Section 411.192(d), Government Code, is amended.

SECTION 9. Sections 411.208(a), (b), and (e), Government Code, are amended.

SECTION 10. This Act takes effect September 1, 2017.

SECTION 5. Same as introduced version.

SECTION 6. Substantially the same as introduced version.

SECTION 7. Same as introduced version.

SECTION 8. Same as introduced version.