

LOCAL GOVERNMENT CODE

TITLE 5. MATTERS AFFECTING PUBLIC OFFICERS AND EMPLOYEES
SUBTITLE C. MATTERS AFFECTING PUBLIC OFFICERS AND EMPLOYEES OF MORE
THAN ONE TYPE OF LOCAL GOVERNMENT
CHAPTER 179. AUTHORITY OF CERTAIN FIRST RESPONDERS TO CARRY HANDGUN

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 179.001. DEFINITIONS. In this chapter:

(1) "Department" means the Department of Public Safety of the State of Texas.

(2) "First responder" has the meaning assigned by Section 46.01, Penal Code.

(3) "Handgun" has the meaning assigned by Section 46.01, Penal Code.

Added by Acts 2021, 87th Leg., R.S., Ch. 1026 (H.B. 1069), Sec. 4, eff. September 1, 2021.

Sec. 179.002. APPLICABILITY OF CHAPTER. This chapter applies only to:

(1) a municipality with a population of 30,000 or less that has not adopted Chapter 174; and

(2) a county with a population of 250,000 or less that has not adopted Chapter 174.

Added by Acts 2021, 87th Leg., R.S., Ch. 1026 (H.B. 1069), Sec. 4, eff. September 1, 2021.

Sec. 179.003. CONSTRUCTION OF CHAPTER. (a) This chapter does not create a cause of action or liability.

(b) This chapter may not be construed to waive, under Chapter 101, Civil Practice and Remedies Code, or any other law, a municipality's or county's governmental immunity from suit or to liability.

Added by Acts 2021, 87th Leg., R.S., Ch. 1026 (H.B. 1069), Sec. 4, eff. September 1, 2021.

SUBCHAPTER B. AUTHORITY AND REQUIREMENTS TO CARRY HANDGUN

Sec. 179.051. AUTHORITY OF MUNICIPALITY OR COUNTY TO PROHIBIT OR REGULATE CARRYING HANDGUN. (a) A municipality or county to which this chapter applies and that employs or supervises first responders may not adopt or enforce an ordinance, order, or other measure that generally prohibits a first responder who holds a license to carry a handgun under Subchapter H, Chapter 411, Government Code, an unexpired certificate of completion from the department under Section 411.184(d), Government Code, and the required liability policy under Section 179.053 from:

(1) carrying a concealed or holstered handgun while on duty; or

(2) storing a handgun on the premises of or in a vehicle owned or leased by the municipality or county if the handgun is secured with a device approved by the department under Section 411.184(f), Government Code.

(b) This section does not prohibit a municipality or county from adopting an ordinance, order, or other measure that:

(1) prohibits a first responder from carrying a handgun while on duty based on the conduct of the first responder; or

(2) limits the carrying of a handgun only to the extent necessary to ensure that carrying the handgun does not interfere with the first responder's duties.

Added by Acts 2021, 87th Leg., R.S., Ch. 1026 (H.B. 1069), Sec. 4, eff. September 1, 2021.

Sec. 179.052. AUTHORITY OF EMPLOYERS AND SUPERVISORS. (a) A municipal or county department or private entity that employs or supervises first responders providing services for a municipality or county to which this chapter applies may adopt a policy authorizing a first responder who is employed or supervised by the municipal or county department or private entity and who holds a license to carry a handgun under Subchapter H, Chapter 411, Government Code, an unexpired certificate of completion from the department under Section 411.184(d), Government Code, and the required liability policy under Section 179.053 to:

(1) carry a concealed or holstered handgun while on duty; or

(2) store a handgun on the premises of or in a vehicle owned or leased by the applicable municipality or county, or by the private entity if the handgun is secured with a device approved by the department under Section 411.184(f), Government Code.

(b) A first responder employed or supervised by a municipal or county department or private entity may not engage in conduct described by Subsection (a)(1) or (2) unless the municipal or county department or private entity has adopted a policy under Subsection (a) that authorizes that conduct.

Added by Acts 2021, 87th Leg., R.S., Ch. 1026 (H.B. 1069), Sec. 4, eff. September 1, 2021.

Sec. 179.053. LIABILITY INSURANCE REQUIRED. A first responder shall maintain liability insurance coverage in an amount of at least \$1 million if:

(1) the first responder carries a handgun while on duty; and

(2) the handgun is not an essential part of the first responder's duties.

Added by Acts 2021, 87th Leg., R.S., Ch. 1026 (H.B. 1069), Sec. 4, eff. September 1, 2021.

Sec. 179.054. STORAGE OF HANDGUN. (a) A first responder who enters a location where carrying a handgun is prohibited by federal law or otherwise shall use a device approved by the department under Section 411.184(f), Government Code, to secure and store the handgun.

(b) A first responder is responsible for procuring the device approved by the department under Section 411.184(f), Government Code, or for reimbursing the first responder's employer or supervisor for the use of a device provided by the employer or supervisor.

Added by Acts 2021, 87th Leg., R.S., Ch. 1026 (H.B. 1069), Sec. 4, eff. September 1, 2021.

Sec. 179.055. DISCHARGE OF HANDGUN. A first responder may discharge a handgun while on duty only in self-defense.

Added by Acts 2021, 87th Leg., R.S., Ch. 1026 (H.B. 1069), Sec. 4, eff. September 1, 2021.

Sec. 179.056. LIMITED LIABILITY. (a) A municipality or county that employs or supervises first responders is not liable in a civil action arising from the discharge of a handgun by a first responder who is licensed to carry the handgun under Subchapter H, Chapter 411, Government Code.

(b) The discharge of a handgun by a first responder who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code, is outside the course and scope of the first responder's duties.

Added by Acts 2021, 87th Leg., R.S., Ch. 1026 (H.B. 1069), Sec. 4, eff. September 1, 2021.

Sec. 179.057. COMPLAINTS. A member of the public may submit a complaint to the municipality or county employing or supervising the first responder using the municipality's or county's existing complaint procedure. One or more complaints received with respect to a specific first responder are grounds for prohibiting or limiting that first responder's carrying a handgun while on duty.

Added by Acts 2021, 87th Leg., R.S., Ch. 1026 (H.B. 1069), Sec. 4, eff. September 1, 2021.