

Private Security Rule Proposals – October 2023

Revised 11.10.23

The following proposals were considered by the Public Safety Commission (PSC) at its October 26 meeting and were published for public comment in the November 10 issue of the Texas Register.

§35.7 – FIREARM STANDARDS.

(a) Commissioned security officers and personal protection officers may only carry firearms of a category recognized in subsection (b) of this section, and only if:

(1) **The commissioned security officers and personal protection**~~[the]~~ officers have been formally trained **in the use of the specific category of firearm being carried**, as required under the Act and this chapter; and

(2) **The commissioned security officers and personal protection**~~[the]~~ officers have submitted documentation of the **required** training to the department **(unless authorized under subsection (h) of this section)**.

(b) The recognized firearm categories are:

- (1) SA--Any handgun, whether semi-automatic or not;
- (2) NSA--Handguns that are not semi-automatic; and
- (3) STG--Shotgun.

(c) Commissioned security officers and personal protection officers must exercise care and sound judgment in the use and storage of their firearms.

(d) No security officer **or personal protection officer** may carry an inoperative, unsafe, replica, or simulated firearm in the course and scope of employment or while in uniform.

(e) No commissioned security officer or personal protection officer may brandish, point, exhibit, or otherwise display a firearm at any time, except as authorized by law.

(f) The discharge of a firearm by a **commissioned** security officer **or personal protection officer** while on duty or otherwise acting or purporting to act under the authority of a security officer commission **or personal protection officer license** shall be immediately reported to the officer's employer. The employer must notify the department of the discharge of a firearm in writing within twenty-four (24) hours of the incident. The notification to the department must include:

- (1) The name of the person discharging the firearm;
- (2) The name of the employer;
- (3) The location of the incident;
- (4) A brief description of the incident;

(5) A statement reflecting whether death, personal injury, or property damage resulted; and

(6) The name of the investigating or arresting law enforcement agency, if applicable.

(g) Firearms may only be carried in a manner consistent with the department approved training curriculum in place at the time of the officer's training.

(h) Notwithstanding subsection (b) of this section, a licensed Texas peace officer or an honorably retired Texas peace officer may have access to a rifle while performing services as a commissioned security officer or personal protection officer. For purposes of this subsection, a retired Texas peace officer must have documentation of their status as honorably retired from their employing agency or the Texas Commission on Law Enforcement (TCOLE). For purposes of this subsection, "honorably retired" means the officer:

(A) Did not retire in lieu of a disciplinary action;

(B) Was eligible to retire from the law enforcement agency or was ineligible to retire only as a result of an injury received in the course of the applicant's employment with the agency; and

(C) Is entitled to receive a pension or annuity for service as a law enforcement officer or is not entitled to receive a pension or annuity only because the law enforcement agency that employed the applicant does not offer a pension or annuity to its employees.

Note: The proposed changes will authorize the carrying of certain rifles by commissioned security officers and personal protection officers who are licensed Texas peace officers or honorably retired Texas peace officers and clarify that all firearms must be carried in compliance with the guidance provided in the training curriculum.

§35.143 – TRAINING INSTRUCTOR APPROVAL.

(a) An application for approval as a training instructor shall contain evidence of qualification as required by the department. Instructors may be approved for classroom, **self-defense**, or firearm training, or **any combination of the three**~~[both]~~. ~~[An individual may apply for approval for one or both of these categories.]~~ To qualify for classroom, **self defense**, or firearm instructor approval, the applicant must submit acceptable **documentation** ~~[certificates]~~ of training for each category. ~~[The classroom instructor and firearm certificates shall represent a combined minimum of forty (40) hours of department approved instruction.]~~

(b) The items detailed in this subsection may constitute proof of qualification as a classroom instructor for security officers:

(1) An instructor's certificate issued by Texas Commission on Law Enforcement (TCOLE);

- (2) An instructor's certificate issued by federal, state, or political subdivision law enforcement agency approved by the department;
- (3) An instructor's certificate issued by the Texas Education Agency (TEA);
- (4) An instructor's certificate relating to law enforcement, private security, or industrial security issued by a junior college, college, or university; or
- (5) A license to carry handgun instructor certificate issued by the department.

(c) Proof of qualification to instruct the in-person self-defense component of the security officer training course shall include documentation that the individual has instructed nonlethal self-defense for two (2) or more years. Evidence of instruction experience must include a one page detailed description of the training provided and the schedule or specific dates of classes taught.

[(c)] **(d)** The items listed in this subsection may constitute proof of qualification as a firearm training instructor, if **the reflected** [~~reflecting~~] training completed within two (2) years of the date of the application:

- (1) A handgun instructor's certificate issued by the National Rifle Association;
- (2) A firearm instructor's certificate issued by TCOLE; [~~or~~]
- (3) A firearm instructor's certificate issued by a federal, state, or political subdivision law enforcement agency approved by the department; **or**

(4) documentation establishing that the applicant regularly instructs others in the use of handguns and has graduated from a handgun instructor school that uses a nationally accepted course designed to train persons as handgun instructors.

[(d)] **(e)** Proof of qualification as an alarm systems training instructor shall include proof of completion of an approved training course on alarm installation.

[(e)] **(f)** Proof of qualification as a personal protection officer instructor shall include, but not be limited to:

(1) A firearm instructor's certificate issued by TCOLE along with proof that the individual has instructed nonlethal self-defense or nonlethal defense of a third party for three (3) or more years. Evidence of instruction experience must include a one page detailed description of the training provided and the schedule or specific date of classes taught.

(2) An instructor's certificate issued by federal, state, or political subdivision law enforcement academy along with proof that the individual has instructed nonlethal self-defense or nonlethal defense of a third party for three (3) or more years. Evidence of instruction experience must include a one page detailed description of the training provided and the schedule or specific dates of classes taught.

(3) An instructor's certificate issued by TEA along with proof that the individual has instructed nonlethal self-defense or nonlethal defense of a third party for three (3) or more years. Evidence of instruction experience must include a one page detailed description of the training provided and the schedule or specific dates of classes taught.

(4) An instructor's certificate relating to law enforcement, private security or industrial security issued by a junior college, college or university along with proof that the individual has instructed nonlethal self-defense or nonlethal defense of a third party for three (3) or more years. Evidence of instruction experience must include a one page detailed description of the training provided and the schedule or specific dates of classes taught.

(5) Evidence of successful completion of a department approved training course for personal protection officer instructors.

[(f)] **(g)** Notice shall be given in writing to the department within fourteen (14) days after a change in address of the approved instructor.

[(g)] **(h)** In addition to summary actions under the Act, based on criminal history disqualifiers, the department may revoke or suspend an instructor's approval or deny the application or renewal thereof upon evidence that:

- (1) The instructor or applicant has violated any provisions of the Act or this chapter;
- (2) The qualifying instructor's certificate has been revoked or suspended by the issuing agency;
- (3) A **materially** ~~material~~ false statement was made in the application; or
- (4) The instructor does not meet the qualifications set forth in the provisions of the Act and this chapter.

Note: These amendments are necessary to implement House Bill 3424, 88th Regular Legislative Session, which requires applicants for a commissioned security officer license obtain in-person classroom training in self-defense tactics. The amendments require prospective instructors have the experience necessary to teach self-defense tactics. Additional changes include an alternative method by which prospective training instructors may qualify for approval to provide instruction, and the removal of an outdated requirement relating to required hours of training that is inconsistent with the certifications otherwise required.