



Jesse R. Crain III

Texas CHL & NRA Certified Instructor

### Information about Me

Jesse R. Crain III, grew up in Lufkin, Texas which allowed him to have a genuine “country background”. He was raised around firearms, until he fell in love with a sport called football. Football, has taken him to many places, including the University of Central Oklahoma where he obtained his Bachelor of Arts degree in Communication. Later, he received a Master of Science degree in Soil Science from Prairie View A&M University. Also, he holds certifications with the NRA as a Basic Pistol Instructor and he is a Texas CHL Instructor.

Jesse takes pride in teaching people the proper way of handling a firearms as well as learning the rules and regulations that go along with the firearms safety, while here in the State of Texas.

### PURPOSE FOR THIS COURSE

You have chosen to take a personal and active responsible role in your own personal safety and understand that **no-one else** is responsible for your security nor do they have a legal duty to provide you with such security.

**2nd Amendment** - “..., the Right to Keep and Bear Arms Shall Not Be Infringed.”

### DURATION OF LICENSE

- Original License - 4 years from the issue date and then until the following birthday of the holder
- Renewal Applications - 5 years
- Renewal requirements - reapply within 6 months of the upcoming expiration date (and up to 1 year after the expiration.) (Still under revision)
- There is no longer a class or firearms renewal required for CHL holders.

## **CHANGE OF INFORMATION**

- Change of name, address or status - you must notify the DPS within 30 days of the change. Failure to do so could result in a 30 day suspension of the CHL.
- All notices from the DPS will be mailed to the last known address. If there was an address change the Department is not aware of - for suspensions and revocations, the DPS will publish in the newspaper of the last known area of the holder. CHL holders may be carrying illegally if the license is suspended or revoked and may face criminal charges.

## **ELIGIBILITY / ADMINISTRATIVE & LEGAL ISSUES**

- is a legal resident of this state for the six month period preceding the date of application,
- is at least 21 years of age (military 18 - 21 years of age now eligible - 2005 Texas CHL Law change),
- has not been convicted of a felony,
- is not currently charged with the commission of a felony, Class A or Class B misdemeanor, or equivalent offense, or an offense under Sec. 42.01 of the penal Code (Disorderly Conduct) or equivalent offense,
- is not a fugitive from justice for a felony, Class A or Class B misdemeanor, or equivalent offense,
- is not a chemically dependent person (*a person with two convictions within the ten year period preceding the date of application for offenses (Class B or greater) involving the use of alcohol or a controlled substance is ineligible as a chemically dependent person. Other evidence of chemical dependency may also make an individual ineligible for a CHL*),
- is not incapable of exercising sound judgement with respect to the proper use and storage of a handgun,
- has not, in the five years preceding the application, been convicted of a Class A or Class B misdemeanor, or equivalent offense, or an offense under Section 42.01 of the Penal Code (Disorderly Conduct) or equivalent offense,
- is fully qualified under applicable federal and state law to purchase a handgun,
- has not been finally determined to be delinquent in making child support administered or collected by the attorney general,
- has not been finally determined to be delinquent in the payment of a tax or other money collected by the comptroller, state treasurer, tax collector of a political subdivision, Alcohol Beverage Commission or any other agency or subdivision,
- is not currently restricted under a court protective order subject to a restraining order affecting a spousal relationship,
- has not, in the 10 years preceding the date of application, been adjudicated as having engaged in delinquent conduct violating a penal law in the grade of felony,
- has not made any material misrepresentation, or failed to disclose any material fact, in an application submitted pursuant to Section 411.174 or in a request for application submitted pursuant to Section 411.175.

## **SUSPENSIONS**

A license or instructors certificate shall be suspended if:

- Pending Felony, Class A or Class B misdemeanor or offense under Section 42.01 Penal Code
- Carrying a handgun of different category than authorized under the CHL - certified as NSA and carrying SA
- Failure to return to the DPS an older CHL after a modified CHL has been received.
- Second suspension for the same cause within 36 months.
- Court may suspend for a protective order.

## **REVOCATIONS**

- Conviction of a Felony, Class A or Class B misdemeanor or offense under Section 42.01 Penal Code
- Was not eligible at the time the license was issued
- License holder gave false information on the application or failed to disclose a material fact
- Conviction under section 46.035 Penal Code. UCW by License Holder
- Two prior suspensions for the same suspendable conduct (3 strikes rule)
- Fee that is dishonored or reversed. May reapply at any time, but not online. Money orders or cashier's checks required.
- Penalty for revocations - 2 years.
- An exempt deferred adjudication within the 10 years - the disqualification period is then 12 years.

## **CHL RECORDS**

- Information that had previously been available on whether or not an individual had a concealed handgun license is confidential. Open records requests are not allowed.
- The DPS shall disclose information on a CHL holder to a criminal justice agency including telephone number, email, internet web address.
- An applicant or licensee may still obtain their own records.
- The DPS may still make available a list of qualified instructors.

## **RECIPROCITY AGREEMENTS**

- [www.txdps.state.tx](http://www.txdps.state.tx) is a great place to look up information pertaining to laws and reciprocal states.
- Reciprocity allows Texas CHL holders to carry in other states and that state's license is honored in Texas. You **MUST** be aware of and follow the laws of each individual state.

Alabama, Alaska, Arizona, Arkansas, Colorado\*, Delaware, Florida, Georgia, Idaho, Indiana, Kansas\*, Kentucky, Louisiana, Michigan\*, Mississippi, Missouri, Montana, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Virginia, Wyoming.

(\*Non Resident Texas CHL's **WILL NOT** be honored.)

- **Unilateral Proclamations** - Those states in which the Governor has issued unilateral proclamations recognizing another state's license. The residents of that other state may carry in Texas.

**TEXAS RESIDENTS MAY NOT CARRY IN THESE UNILATERAL STATES.**

## **PEACE OFFICERS**

- A peace officer may disarm a CHL holder for safety reasons. If the CHL holder is not arrested then the license and firearm must be returned to the licensee if he believes the licensee is not a threat to themselves or others.
- If a licensee is arrested and taken into custody, the officer may seize and keep the firearm pursuant to agency protocols. The officer should also seize the CHL and return it to the DPS.
- State law requires display of the CHL simultaneously with state issued ID or DL upon demand of identification by a Peace Officer or magistrate (judge) if one is carrying a firearm.

## **WHERE MAY A CHL HOLDER LEGALLY CARRY A CONCEALED HANDGUN**

### **Unlawful Carrying a Weapon (PC §46.02)**

A person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun, illegal knife or club if the person is not:

- (1) On the person's own premises or premises under the person's control; or
- (2) Inside of or directly en route to a motor vehicle that is owned by the person or under the person's control.

A person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun in a motor vehicle that is owned by the person or under the person's control at any time which:

- (1) the handgun is in plain view; or
- (2) the person is:
  - (a) engaged in criminal activity, other than a Class C misdemeanor that is a violation of a law or ordinance regulating traffic;
  - (b) prohibited by law from possessing a firearm; or
  - (c) a member of a criminal street gang, as defined by Section 71.01.

For the purposes of this section, "**PREMISES**" includes real property and a recreational vehicle that is being used as living quarters, regardless of whether that use is temporary or permanent. In this subsection, "recreational vehicle" means a motor vehicle primarily designed as temporary living quarters or a vehicle that contains temporary living quarters and is designed to be towed by a motor vehicle. The term includes a travel trailer, camping trailer truck camper, motor home, and horse trailer with living quarters.

Class A Misdemeanor unless the offense is committed on any premises licensed or issued a permit by the state for the sale of alcoholic beverages then it is a 3rd degree felony.

### **Section 46.15(b) Penal Code: in pertinent part**

46.02 does NOT apply to a person who:

- (A) is traveling;
- (B) is engaged in lawful hunting, fishing, or other sporting activity on the immediate premises where the activity is conducted, or is en route between the premises and the actor's residence or motor vehicle, if the weapon is a type commonly used in the activity.

### **Parks and Wildlife Code: in pertinent part**

Section 62.082 states that 62.081 does not apply to (d-4) a person who:

- (A) possesses a CHL issued of the same category as a handgun the person is carrying;
- (B) under circumstances in which the person would be justified in the use of deadly force Chapter 9, Penal Code.

### **Places Weapons Prohibited (PC §46.03)**

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(a):

- (1) on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless pursuant to written regulations or written authorization of the institution;
- (2) on the premises of a polling place on the day of an election or while early voting is in progress;
- (3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;
- (4) on the premises of a racetrack; or
- (5) in or into a secured area of an airport.

(6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited.

3rd Degree Felony

### **Unlawful Carrying of Handgun by License Holder (PC §46.03)**

A license holder commits an offense if the license holder carries a handgun on or about the license holder's person and intentionally fails to conceal the handgun.

(b)A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun, regardless of whether the handgun is concealed, on or about the license holder's person:

(1) on the premises of a business that derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption.

(2) on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place.

(3) on the premises of a correctional facility.

(4) on the premises of a hospital, unless the license holder has written authorization of the hospital or nursing home administration.

(5) in an amusement park; or

(6) on the premises of a church, synagogue, or other established place of religious worship.

(c)A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun, regardless of whether the handgun is concealed, at any meeting of a governmental entity.

A license holder commits an offense if, while intoxicated, the license holder carries a handgun, regardless of whether the handgun is concealed. (the state currently does not define a "limit of intoxication" in regard to concealed carry)

\*\*\*Subsections (b)(4), (b)(5), (b)(6), and (c) do not apply if the actor was not given effective notice under Section 30.06.\*\*\*

Class A Misdemeanor unless the offense is on the premises of a 51% business or a correctional facility, in which case it is a 3rd Degree Felony.

### **Criminal Trespass by a License Holder (PC §30.06)**

A license holder commits an offense if the license holder carries a handgun on property of another without effective consent, and received notice that:

(1) Entry on the property by a license holder with a concealed handgun was forbidden; or

(2) Remaining on the property with a concealed handgun was forbidden and failed to depart.

For purposes of this section, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication. (30.06 sign)

“Written communication” means:

A card or other document on which is written language identical to the following:

**“Pursuant to Section 30.06, Penal Code (trespass by holder of license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a concealed handgun”**

This notice if given by posting of a sign must be in both English and Spanish, appear in contrasting colors with block letters at least one inch in height, and displayed in a conspicuous manner clearly visible to the public.

Class A Misdemeanor

It is an exception to the application of this section that the property on which the license holder carries a handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Section 46.03 or 46.035.

### **AIRPORTS**

Your CHL does NOT allow you to carry a firearm into a secured area of an airport.

If you take a flight to another state where your Texas CHL is also valid, check with your airport and airline concerning the requirements for lockable cases and notification purposes.

### **EMPLOYERS**

A private employer may prohibit the carrying of a handgun on business premises. Review your employee handbook or contract for employment.

### **EDUCATION CODE**

A person commits an offense if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally exhibits, uses, or threatens to exhibit or use a firearm. (1) in or on any property, including a parking lot, parking garage, or other parking area that is owned by a private or public school. (2) on a school bus used to transport children to or from school sponsored activities of a private or public school.

### **HANDGUNS / HANDLING**

#### **Basic Elements of Marksmanship**

- positive thinking
- confidence in self and handgun
- ability to listen and follow instructions
- ability to employ the fundamentals of shooting

#### **Fundamentals of Marksmanship**

1. Stance (Weaver Stance, Isosceles Stance) (Natural point of aim)
2. Grip/Locked Wrist
3. Sight Alignment / Sight Picture
4. Breath Control
5. Trigger Control
6. Follow Through

### **Shooter Errors**

- Failure to properly maintain handgun
- Jerking the trigger
- Riding the recoil
- Anticipating the shot
- Pushing or pulling the trigger

### **Types of Handguns**

- Small Frame Revolvers
- Medium to Large Revolvers
- Semi-Automatic Pistols - Single Action
- Semi-Automatic Pistols - Double Action / Single Action
- Semi-Automatic Pistols - Double Action Only
- Compensated Handguns
- Mouse Guns - Small Frame Semi-Automatic Pistols

### **AMMUNITION**

Components of a Cartridge: Bullet, Bullet Case, Propellant, Rim, Primer

Bullets are like medicine - They take time to work. Determined individuals can sustain many gunshot wounds in areas that produce great pain and can continue to fight a long time, even without the aid of drugs or alcohol. Shot placement is everything in a gunfight and always the key to stopping a threat effectively.

### **Squib Load**

- Sounds different - like a "fart"
- Bad powder
- Not enough powder
- Bullet lodged in the barrel
- Hit again with another round... "pipe bomb"

### **Slam Fire**

- Closing the action causes the firearm to fire
- Causes could be a high primer, protruding firing pin, dirty weapon
- Muzzle control is very important
- Humans can introduce a slam fire

### **Jams**

- Get a firm, solid grip to eliminate "limp wristing" the semi-automatic handgun
- Common jams are stovepipes, fail to feed, or double feeds
- Magazines or bad rounds could be the problem. Dirty weapons can cause malfunctions.
- Clear the jam safely and quickly.
- Tap, rack and ready to fire if needed.

## **FIREARMS SAFETY**

"I am scared of empty guns and keep mine loaded at all times. the family knows the guns are loaded and treats them with respect. Loaded guns cause few accidents; empty guns kill people every year."

-Elmer Keith, 1961"

Remember - You cannot recall a bullet. You are responsible for where the bullet goes and what it strikes.

Firearms and motor vehicles are two primary causes of accidents. Negligence is the key factor.

By eliminating ignorance and carelessness you can decrease the chances of an accident due to negligence.

### **Levels of Proficiency**

- Unconsciously incompetent
- Consciously incompetent
- Consciously competent
- Unconsciously competent

## **FIREARMS SAFETY RULES**

- NEVER mix firearms with alcohol and/or drugs, including prescriptions such as pain medication. "Carrying" while consuming alcohol is not prohibited, but it is a criminal offense to carry while intoxicated.
- Verify the correct caliber and ammunition. One model of firearm may have variations to use different calibers.
- Never point a firearm at anything you are not willing to destroy and/or kill.
- Keep the gun pointed in a safe direction
- Treat every gun as if it is loaded
- Keep your finger off the trigger until you lined up on your target and ready to fire
- Never leave a loaded, or unloaded firearm outside of your control
- Always be aware of your target and what is beyond it
- Never rely on safety devices to prevent an accidental (negligent) discharge

## **Kids and Firearms**

Children should be taught to never touch a firearm without responsible adult supervision. NEVER make a firearm the focus of taboo or curiosity.

### **Texas Penal Code Section (46.13)**

A person commits an offense if a child (under 17 years) gains access to a readily dischargeable firearm and the person with criminal negligence:

- (1) failed to secure the firearm; or
- (2) left the firearm in a place to which the person knew or should have known the child would gain access.

It is an affirmative defense to prosecution under this section that the child's access to the firearm:

- (1) was supervised by a person older than 18 years of age and was for hunting, sporting, or other lawful purposes;
- (2) consisted of lawful defense by the child of people or property;
- (3) was gained by entering property in violation of this code; or
- (4) occurred during a time when the actor was engaged in an agricultural enterprise.



Penalty is a Class C Misdemeanor if the child gains access to the firearm.

Penalty is a Class A Misdemeanor if the child discharges the firearm and causes death or serious bodily injury to himself or another.

### **Safe Storage of Firearms**

- Store guns so that they are not accessible to unauthorized persons (gun safe / gun lock / on your person)
- Are storage places safe from children?
- Do your storage devices work safely and correctly?
- Store ammunition separate from firearms

### **FIREARMS RANGE / QUALIFICATION**

**SA** - Any handguns, whether Semi-Automatic or not

**NSA** - Handguns that are Not Semi-Automatic

Handgun must be .32 caliber or larger.

Course of fire is a total of 50 rounds.

Minimum qualifying score for a CHL is 175 out of 250 possible points (70%).

Targets are of a B-27 style and may be one of 4 colors (black, blue, green and orange)

#### **3 Yard Line**

1 round in 2 seconds (x5)

2 rounds in 3 seconds (x5)

5 rounds in 10 seconds

#### **7 Yard Line**

5 rounds in 10 seconds

2 rounds in 4 seconds

3 rounds in 6 seconds

1 round in 3 seconds (x5)

5 rounds in 15 seconds

#### **15 Yard Line**

2 rounds in 6 seconds

3 rounds in 9 seconds

5 rounds in 15 seconds

### **NON VIOLENT DISPUTE RESOLUTION**

#### **Communication**

In order for communication to be effective, we must know how to get our message across.

In conflict situations, people tend to focus on the anger and the blame. One should respond rather than react to what the other person says. Be cautious of the first words that rise readily to your lips.

Communication can fail when we do not look at each other when speaking, when we do not listen to what is being said, and when we do not respond with the appropriate words to make sure that the message was received correctly.

The elements of a conversation are: Speaker, Message, Receiver, and Feedback (most important).

There are two interactions when a message is sent

- (1) What the speaker intends to say
- (2) What the speaker actually says

Three more interactions then occur

- (1) What the receiver heard
- (2) What the receiver thinks was heard
- (3) What the receiver responds with back to the speaker

The last interaction is what the speaker thinks was said by the receiver.

Non-Verbal clues: Facial Expressions, Body Position, Eye Contact or lack of it, and appearance.

Some barriers to communication: Background of People, Assumptions, Poor Listening, Previous Interactions, Disinterest, and Outside Interference.

### **Ego States (Parent - Adult - Child)**

#### **Parent**

Same state of mind as one of your parents and you respond as they would have in the same posture, gestures, vocabulary, feelings, etc. in a conflict situation.

We say things like, "Hey you shouldn't do that" or "You should know better."

#### **Adult**

You have made an objective appraisal of the situation and are using the thought processes, or the problems you perceive, or the conclusions you have come to, in a non-prejudicial manner.

Adults use pronouns such as "we", "us", and "our."

#### **Child**

In a conflict situation; your reaction is the same as it would have been when you were a little boy or girl. We say things like, "I'll do it if I feel like it", "I don't have to" or "You can't make me."

And of course my child's favorite, "You're not the boss same."

### **Non Violent Communication**

There are 3 common mistakes that provide a breeding ground for anger, resentment and frustration.

- (1) **Moralistic Judgements** - We make judgements of others to make us feel better about why everything went wrong. Terms used include; Selfish, Lazy, Idiots, etc.
- (2) **Making Comparisons** - Comparing other to what we would do in the same situation. By doing so, we justify our anger by claiming others did not do it the way we would have.
- (3) **Denial of Responsibility** - Blaming everyone and everything else. Accepting no responsibility for the problem and claiming that "I had to."

## **Four Components of Non-Violent Communication**

- (1) Observe without evaluating
- (2) Express your feelings
- (3) Acknowledge what you need
- (4) Make your request

## **Keys to Help Redirect Negative Behavior (L.I.S.T.E.N.S.)**

- L** - Look at the person
- I** - Show an Interest
- S** - Summarize what was said and repeat it back
- T** - (Territory) Keep a comfortable space
- E** - Empathize, try to see it from their perspective
- N** - Nod to show that you are trying to understand
- S** - Smile

## **Common Signs of Emotional Disturbance**

1. Clinched fists
2. increasing deep and rapid respiration
3. Sweating
4. Elevated blood pressure
5. Violent verbal outbursts
6. Crying
7. tantrum like behavior
8. Body tremors (shaking)
9. Stuttering speech
10. Intense or fixed eye contact on a target or focal point

All signs come from two sources:

- Physiological (Body)
- Psychological (Mind)

## **Conflict De\_escalation Techniques**

Four elements in a confrontation that must be analyzed and understood by any citizen who carries a firearm; P.A.C.E.

**PROBLEM** - What has brought about the conflict?

**AUDIENCE** - Who are the actual players?

**CONSTRAINTS** - Are there any barriers to effective communication?

**ETHICAL PRESENCE** - This is a total expression of self control.

## **USE OF FORCE**

### **Force**

Power, violence or pressure directed against a person or thing. To compel by physical means or by legal requirements.

### **Non-Deadly Force**

Force which, under the circumstances, is NOT reasonably capable of causing death or serious bodily injury.

### **Deadly Force**

Force intended or known by the actor to cause, or in its manner of use or intended use is capable of causing death or serious bodily injury.

### **Reasonable or Necessary Force**

Only the minimum amount of force should be used to achieve your objective.

*The use of any force should only be used to STOP a threat.*

### **Use of Force Law**

#### **Threats as Justifiable Force (PC 9.04)**

The threat of force is justified when the use of force is justified by this chapter. For purposes of this section, a threat to cause death or serious bodily injury by the production of a weapon or otherwise, as long as the actor's purpose is limited to creating an apprehension that he will use deadly force if necessary, does not constitute the use of deadly force.

#### **Reckless Injury of Innocent Third Person (PC 9.05)**

Even though an actor is justified under this chapter in threatening or using force or deadly force against another, if in doing so he also recklessly injures or kills an innocent third person, the justification afforded by this chapter is unavailable in a prosecution for the reckless injury or killing of the innocent third person.

#### **Civil remedies Unaffected (PC 9.06)**

The fact that conduct is justified under this chapter does not abolish or impair any remedy for the conduct that is available in a civil suit.

#### **Public Duty (PC 9.21)**

(a) Except as qualified by Subsections (b) and (c), conduct is justified if the actor reasonably believes the conduct is required or authorized by law, by the judgment or order of a competent court or other governmental tribunal, or in the execution of legal process.

(b) The other sections of this chapter control when force is used against a person to protect persons (Subchapter C), to protect property (Subchapter D), for law enforcement (Subchapter E), or by virtue of a special relationship (Subchapter F).

(c) The use of deadly force is not justified under this section unless the actor reasonably believes the deadly force is specifically required by statute or unless it occurs in the lawful conduct of war. If deadly force is so justified, there is no duty to retreat before using it.

(d) The justification afforded by this section is available if the actor reasonably believes:

(1) the court or governmental tribunal has jurisdiction or the process is lawful, even though the court or governmental tribunal lacks jurisdiction or the process is unlawful; or

(2) his conduct is required or authorized to assist a public servant in the performance of his official duty, even though the servant exceeds his lawful authority.

#### **Necessity (PC 9.22)**

Conduct is justified if:

(1) the actor reasonably believes the conduct is immediately necessary to avoid imminent harm;

(2) the desirability and urgency of avoiding the harm clearly outweigh, according to ordinary standards of reasonableness, the harm

sought to be prevented by the law proscribing the conduct; and

(3) a legislative purpose to exclude the justification claimed for the conduct does not otherwise plainly appear.

#### **Self Defense (PC 9.31)**

(a) Except as provided in Subsection (b), a person is justified in using force against another when and to the degree the actor reasonably believes the force is immediately necessary to protect the actor against

the other's use or attempted use of unlawful force. The actor's belief that the force was immediately necessary as described by this subsection is presumed to be reasonable if the actor:

- (1) knew or had reason to believe that the person against whom the force was used:
  - (A) unlawfully and with force entered, or was attempting to enter unlawfully and with force, the actor's occupied habitation, vehicle, or place of business or employment;
  - (B) unlawfully and with force removed, or was attempting to remove unlawfully and with force, the actor from the actor's habitation, vehicle, or place of business or employment; or
  - (C) was committing or attempting to commit aggravated kidnapping, murder, sexual assault, aggravated sexual assault, robbery, or aggravated robbery;

(2) did not provoke the person against whom the force was used; and

(3) was not otherwise engaged in criminal activity, other than a Class C misdemeanor that is a violation of a law or ordinance regulating traffic at the time the force was used.

(b) The use of force against another is not justified:

(1) in response to verbal provocation alone;

(2) to resist an arrest or search that the actor knows is being made by a peace officer, or by a person acting in a peace officer's presence and at his direction, even though the arrest or search is unlawful, unless the resistance is justified under Subsection (c);

(3) if the actor consented to the exact force used or attempted by the other;

(4) if the actor provoked the other's use or attempted use of unlawful force, unless:

(A) the actor abandons the encounter, or clearly communicates to the other his intent to do so reasonably believing he cannot safely abandon the encounter; and

(B) the other nevertheless continues or attempts to use unlawful force against the actor; or

(5) if the actor sought an explanation from or discussion with the other person concerning the actor's differences with the other person while the actor was:

(A) carrying a weapon in violation of Section 46.02; or

(B) possessing or transporting a weapon in violation of Section 46.05.

(c) The use of force to resist an arrest or search is justified:

(1) if, before the actor offers any resistance, the peace officer (or person acting at his direction) uses or attempts to use greater force than necessary to make the arrest or search; and

(2) when and to the degree the actor reasonably believes the force is immediately necessary to protect himself against the peace officer's (or other person's) use or attempted use of greater force than necessary.

(d) The use of deadly force is not justified under this subchapter except as provided in Sections 9.32, 9.33, and 9.34.

(e) A person who has a right to be present at the location where the force is used, who has not provoked the person against whom the force is used, and who is not engaged in criminal activity at the time the force is used is not required to retreat before using force as described by this section.

(f) For purposes of Subsection (a), in determining whether an actor described by Subsection (e) reasonably believed that the use of force was necessary, a finder of fact may not consider whether the actor failed to retreat.

### **Deadly Force in Defense of Person (PC 9.32)**

(a) A person is justified in using deadly force against another:

- (1) if the actor would be justified in using force against the other under Section 9.31; and
- (2) when and to the degree the actor reasonably believes the deadly force is immediately necessary:
  - (A) to protect the actor against the other's use or attempted use of unlawful deadly force; or
  - (B) to prevent the other's imminent commission of aggravated kidnapping, murder, sexual assault, aggravated sexual assault, robbery, or aggravated robbery.

(b) The actor's belief under Subsection (a)(2) that the deadly force was immediately necessary as described by that subdivision is presumed to be reasonable if the actor:

- (1) knew or had reason to believe that the person against whom the deadly force was used:
  - (A) unlawfully and with force entered, or was attempting to enter unlawfully and with force, the actor's occupied habitation, vehicle, or place of business or employment;
  - (B) unlawfully and with force removed, or was attempting to remove unlawfully and with force, the actor from the actor's habitation, vehicle, or place of business or employment; or
  - (C) was committing or attempting to commit an offense described by Subsection (a)(2)(B);
- (2) did not provoke the person against whom the force was used; and
- (3) was not otherwise engaged in criminal activity, other than a Class C misdemeanor that is a violation of a law or ordinance regulating traffic at the time the force was used.

(c) A person who has a right to be present at the location where the deadly force is used, who has not provoked the person against whom the deadly force is used, and who is not engaged in criminal activity at the time the deadly force is used is not required to retreat before using deadly force as described by this section.

(d) For purposes of Subsection (a)(2), in determining whether an actor described by Subsection (c) reasonably believed that the use of deadly force was necessary, a finder of fact may not consider whether the actor failed to retreat.

### **Deadly of a Third Person (PC 9.33)**

A person is justified in using force or deadly force against another to protect a third person if:

- (1) under the circumstances as the actor reasonably believes them to be, the actor would be justified under Section 9.31 or 9.32 in using force or deadly force to protect himself against the unlawful force or unlawful deadly force he reasonably believes to be threatening the third person he seeks to protect; and
- (2) the actor reasonably believes that his intervention is immediately necessary to protect the third person.

### **Protection of Life or Health (PC 9.34)**

(a) A person is justified in using force, but not deadly force, against another when and to the degree he reasonably believes the force is immediately necessary to prevent the other from committing suicide or inflicting serious bodily injury to himself.

(b) A person is justified in using both force and deadly force against another when and to the degree he reasonably believes the force or deadly force is immediately necessary to preserve the other's life in an emergency.

**Protection of One's Own Property (PC 9.41)**

(a) A person in lawful possession of land or tangible, movable property is justified in using force against another when and to the degree the actor reasonably believes the force is immediately necessary to prevent or terminate the other's trespass on the land or unlawful interference with the property.

(b) A person unlawfully dispossessed of land or tangible, movable property by another is justified in using force against the other when and to the degree the actor reasonably believes the force is immediately necessary to reenter the land or recover the property if the actor uses the force immediately or in fresh pursuit after the dispossession and:

- (1) the actor reasonably believes the other had no claim of right when he dispossessed the actor;
- or
- (2) the other accomplished the dispossession by using force, threat, or fraud against the actor.

**Deadly Force to Protect Property (PC 9.42)**

A person is justified in using deadly force against another to protect land or tangible, movable property:

- (1) if he would be justified in using force against the other under Section 9.41; and
- (2) when and to the degree he reasonably believes the deadly force is immediately necessary:
  - (A) to prevent the other's imminent commission of arson, burglary, robbery, aggravated robbery, theft during the nighttime, or criminal mischief during the nighttime; or
  - (B) to prevent the other who is fleeing immediately after committing burglary, robbery, aggravated robbery, or theft during the nighttime from escaping with the property; and
- (3) he reasonably believes that:
  - (A) the land or property cannot be protected or recovered by any other means; or
  - (B) the use of force other than deadly force to protect or recover the land or property would expose the actor or another to a substantial risk of death or serious bodily injury.

**Protection of Third Person's Property (PC 9.43)**

A person is justified in using force or deadly force against another to protect land or tangible, movable property of a third person if, under the circumstances as he reasonably believes them to be, the actor would be justified under Section 9.41 or 9.42 in using force or deadly force to protect his own land or property and:

- (1) the actor reasonably believes the unlawful interference constitutes attempted or consummated theft of or criminal mischief to the tangible movable property; or
- (2) the actor reasonably believes that:
  - (A) the third person has requested his protection of the land or property;

- (B) he has a legal duty to protect the third person's land or property; or
- (C) the third person whose land or property he uses force or deadly force to protect is the actor's spouse, parent, or child, resides with the actor, or is under the actor's care.

### **Use of Device to Protect Property (PC 9.44)**

The justification afforded by Sections 9.41 and 9.43 applies to the use of a device to protect land or tangible, movable property if:

- (1) the device is not designed to cause, or known by the actor to create a substantial risk of causing, death or serious bodily injury; and
- (2) use of the device is reasonable under all the circumstances as the actor reasonably believes them to be when he installs the device.

### **Force Continuum**

- Physical Presence
- Verbal Commands (Walk Away if possible)
- Pepper Spray, Taser type device, Impact device
- Handgun - **LAST RESORT** - Only to **STOP** the threat!

### **Things to Consider**

- Make good force decisions
- Document accurately what has transpired and what you have done (PREFERABLY WITH LEGAL COUNCIL!)
- Follow the law
- Do what is "right"
- Testify in court properly
- Put the audience in your shoes - Perception is Reality

### **Concept of Control**

- Control is a two way street. A person **MUST** be in complete self-control to be able to control a threat.
- Self-control alone is one of the greatest assets in dealing with a threat.

### **Emotions**

Compensating behavior may take one or more of the following forms:

1. Hesitation
2. Verbal abuse
3. Bluff
4. Unnecessary Force



## **Factors to Consider When Determining the Need to Use Force**

1. Is the person armed
2. What is the nature of the crime
3. Number of subjects involved
4. How much support is immediately available from others
5. Any escape routes

## **Mental States of Mind**

**White** - Relaxed and unaware of environment

**Yellow** - Relaxed but alert

**Orange** - Something appears wrong

**Red** - What appears to be wrong IS wrong

**Black** - State of extreme panic

**Panic is natural; however, EXTREME PANIC IS DANGEROUS!!!**

## **Decision to Use Force**

Once the decision to use force has been made, it is an action that takes place twice...

Once in the mind

Once in the execution

Do what you can to de-escalate a conflict by using your verbal skills or leaving the area.

Using any force against another should only be used as a last resort.

## **Critical Incident (Shooting)**

### **Call 911**

If you carry a firearm, carry a cell phone.

- Speak slowly and clearly
- Remember - YOUR CALL IS RECORDED!!!
- Don't give your life story
- Ask for an ambulance and police
- NO profanity
- NO racial slurs

### **\*\*Call Legal Council\*\***

- Remember the Miranda warning does not afford a defense from your testimony  
"What you say CAN AND WILL be used AGAINST you in a court of law."

There are various legal plans that you can subscribe to that provide services to CHL and NON-CHL holders.

## **First Aid**

You “may” render first aid.

- REMEMBER YOUR SAFETY FIRST!!!
- Focus on the wound / victim and not the act
- Stay aware of your surroundings

## **DO NOT LEAVE THE SCENE!** (unless your safety demands it)

- If you leave the scene, call police immediately, even if you called earlier.
- DO NOT go home and wash up

## **Greeting arriving Police**

- You may holster or store your firearm/weapon afterwards, but let police know upon request
- DO NOT (if you can at all help it) be standing with a firearm in your hand when they arrive
- Comply with commands IMMEDIATELY!
- Hands UP! - Do not attempt to reveal, point to, or draw your firearm unless explicitly commanded to.
- You may or may not be handcuffed - COMPLY
- Be cooperative, but follow your legal council's advice

## **Effects of a Critical Incident (Shooting)**

A shooting is a tragedy. The use of force against another is a decision one should not take lightly. Using force against another may have the following effects:

### (A) Physiological

- Seeing the incident in slow motion
- Time distortion
- Memory distortion
- Flashbacks, dreams, nightmares, sleeplessness
- Loss of appetite
- Fear - criminal / civil liability
- Auditory exclusion

### (B) Emotional

- Denial - refusal to acknowledge the incident occurred
- Anger - resentment of the incident / self / suspect / actors
- Bargaining - wishing the incident do not occur
- Depression - often the longest phase, but it depends on the individual
- Acceptance - accepting the incident and begins to resume “normal,” daily activities

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## **Texas CHL Range Proficiency**

Of a possible score of 250 points, 175 (70%) is required to pass. A total of 50 rounds are fired during range qualifications. The B-27 target shown below will be used in any of the approved 4 colors (black, blue, orange, green).

You must use a handgun of at least .32 caliber (.380, 9mm, .357, .40, .45 calibers are acceptable). The state no longer has Semi-Auto and/or Non-Semi-Auto Classifications, so Semi-Auto or Revolver are classified similarly. Laser sights (optical enhancers) are NOT permitted for qualifications.

**The course of fire is as follows:**

**3 yards, 20 rounds**

1 shot in 2 seconds, 5 times

2 shots in 3 seconds, 5 times

5 shots in 10 seconds, 1 time

**7 yards, 20 rounds**

5 shots in 10 seconds, 1 time

2 shots in 4 seconds, 1 time

3 shots in 6 seconds, 1 time

1 shot in 3 seconds, 5 times

5 shots in 15 seconds, 1 time

**15 yards, 10 rounds**

2 shots in 6 seconds, 1 time

3 shots in 9 seconds, 1 time

5 shots in 15 seconds, 1 time