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**PROHIBITING HANDGUNS IN A BUSINESS
OR OTHER ENTITY**

"PURSUANT TO SECTION 30.06, PENAL CODE (TRESPASS BY HOLDER OF A 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."

"CONFORME A LA SECCIÓN 30.06 DEL CÓDIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO H, CAPITULO 411, CODIGO DE GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO."

Legal 30.06 Sign

THE CHL PRE-TEST

Few rights carry as much responsibility as a concealed handgun license. The Texas CHL course reflects this by concentrating not on handgun knowledge, but on the other aspects of legally carrying this means of self-defense.

These questions are similar to those found on the written examination required of Texans applying for the license. Of necessity some reflect Texas law. As you mark the answers, ask yourself if you know what your state law says on the subject.

Have fun, here, where it doesn't count.

1. A type of bullet used in modern self-defense handguns is the:
 - a) Armor-piercing
 - b) Dum-dum
 - c) Hollow-point
 - d) Round-ball

2. Under Texas law, which of the following would be most likely to justify your shooting at a person?
 - a) The person is shouting obscenities at your wife.
 - b) The person breaks a window and starts to enter your home.
 - c) Your ex-spouse is quietly kidnapping your child.
 - d) A person from the finance company is repossessing your car.

3. As a Texas concealed handgun license holder you may not take your firearm into:
 - a) A professional golf tournament.
 - b) A store that has a sign on the door showing a handgun with a slash through it.
 - c) A hospital.
 - d) The office of the mayor of the city where you live.

4. Which of the following would keep you from getting a Concealed Handgun License in Texas?

- a) A dishonorable discharge from the military fifteen years ago.
- b) A juvenile adjudication for car theft eight years ago.
- c) Quietly getting drunk in your own home every payday.
- d) Any of the above.

5. You are in a minor traffic accident with another driver while legally carrying a concealed handgun. Which of the following should you do in Texas?

- a) Warn the other driver you are carrying a gun.
- b) Hand your gun to the first responding officer as he or she approaches.
- c) Hand your concealed handgun license and driver's license to the first officer who asks for identification.
- d) All of the above.

6. The best way to handle a verbal conflict situation is to react in a parental ego state.

- a) True
- b) False

7. A visiting child, age 12, finds your semiautomatic pistol, which has a loaded magazine. You haven't broken any Texas law as long as the chamber is empty.

- a) True
- b) False

8. Texas law considers threatening a person with a firearm force, but not deadly force, as long as you are trying to avoid a greater use of force.

- a) True
- b) False

9. For the same cartridge, the more a firearm weighs, the more it will recoil.

- a) True
- b) False

10. In a self-defense situation outside of your home, Texas law no longer requires you to take advantage of a reasonable opportunity to retreat.

- a) True
- b) False

11. You are walking to your car in a deserted parking area after working late one evening, and you hear someone behind you who is quickly approaching. You realize that person can reach you before you can get to your car. What would you do?

- a) Don't look back, walk faster, try to get into your car before they reach you.
- b) Put your hand on whatever defensive tool you are carrying; turn your head so you can see who is approaching.
- c) Stop and turn around, pull out a weapon if you are carrying one.

12. You are on a long drive and stop at a fast food restaurant late at night. When you return to your car in the deserted parking lot, you encounter a man with a knife in his hand who orders you to go with him. What would you do?

- a) Scream
- b) Cooperate with him and look for an opportunity to escape.
- c) Try to talk him out of it.
- d) Refuse to go with him and resist in the strongest way possible.
- e) Pretend to faint.

13. You are preparing dinner for your children when your ex-husband, currently under a restraining order, begins banging on the door and screaming that he is going to kill you. What would you do?

- a) Get the kids into a safe room, arm yourself, and call the police.
- b) Collect your kids and leave by another door.
- c) Try to talk him out of it while your oldest child calls the police.
- d) Call the police.

14. Which of these is stalking?

- a) A stranger who makes you somewhat nervous crosses your path twice in one day.
- b) A really nerdy guy calls you up for a date 4 times, though you have never gone out with him.
- c) A man you went out with once refuses to understand that you don't want to see him again, and has been phoning you, sometimes dozens of times a day, for several months. His behavior frightens you.
- d) Someone you don't know drives slowly past your house twice every evening for a week.

15. Which of the following have stalkers been known to do?

- a) Send their target a bedpan.
- b) Break into the homes of their victim's relatives.
- c) Kill their victim's pet.
- d) All of the above.

16. Stalkers are usually:

- a) Under 21 years old.
- b) Male.
- c) Mentally ill.
- d) Strangers to their targets.

17. If you are the target of a stalker, you are probably:

- a) Male.
- b) Female.

18. How many stalkers become violent?

- a) 1%
- b) 10%
- c) 30%.
- d) 50%

19. To determine whether a stalker will become violent, you should:

- a) Consult a professional, who will use a formula to determine your degree of risk.
- b) Determine whether the stalker has made threats or not.
- c) Find out whether the stalker is mentally ill.
- d) None of the above.

20. If you are being stalked, should you get a restraining order?

- a) Yes
- b) No
- c) Maybe

21. If you are a woman, your stalker is most likely to be:

- a) A stranger.
- b) Someone you work with.
- c) A woman.
- d) A (current or former) former husband or boyfriend.

22. Most women who are murdered by intimate partners are stalked by them first.

- a) True
- b) False

23. Who do "celebrity stalkers" target?

- a) Movie and TV actors and actresses
- b) Company executives
- c) Political Figures
- d) Radio personalities
- e) All of the above

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.

Warren v. District of Columbia (444 A.2d. 1, D.C. Ct. of Ap. 1981) is an oft-quoted case that held police do not have a duty to provide police services to individuals, even if a dispatcher promises help to be on the way, except when police develop a special duty to particular individuals.

In this case, three rape victims sued the District of Columbia for negligence on the part of the police. Two of three female roommates were upstairs when they heard men break in and attack the third. They phoned the police, reporting that their house was being burglarized, and waited on the roof. Their call was incorrectly dispatched as less important than it was three minutes after they made the call, and three police cars came to the scene, three minutes after the call was dispatched.

One policeman drove by without stopping, and another officer walked up to the door and knocked. Upon receiving no answer, the officers left five minutes after they had arrived. Nine minutes later, the two women called the police again and were assured they would receive assistance. This call was never dispatched and the police never came. Believing that the police had arrived and were in the house, the two women called down to the third, who was being attacked. This alerted the intruders to their presence, and they then took them captive at knife-point. They were then raped, robbed, beaten, and forced to submit to the attackers' sexual demands for the next fourteen hours. The court noted that because the police are only under a general duty to provide services to the public "at large", a special relationship must exist between the police and the individual in question for the "duty" element of negligence to be satisfied. It held that no such special relationship existed so the case was properly dismissed by the trial court for failure to state a claim and the case never went to trial.

On September 1, 1995, laws went into effect giving the Texas Department of Public Safety approximately 100 days to construct the procedures, design

paperwork and applications and train enough qualified instructors to teach the required course they had devised.

Dr. Suzanna Gratia-Hupp became a state representative in the Texas Legislature after surviving a tragic event in which both of her parents were killed by a lone gunman in a Luby's in Killeen, Texas. Suzanna Gratia-Hupp served for several terms and was instrumental in the passage of Concealed Carry legislation and has supported gun rights in multiple forums.

DURATION OF LICENSE

- ❖ Original License - 4 years from the issue date and then until the following birthday of the holder.
- ❖ Renewal License - 5 years.
- ❖ Renewal requirements - take a course within 6 months of the upcoming expiration date and up to 1 year after the expiration.

There is no class or firearms renewal required for a 3rd renewal and no more than once every 10 years afterward. (Renewal courses would then be required every even renewal period, 4th, 6th, 8th, etc.)

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

The individual seeking a Concealed Handgun License (CHL):

- ❖ 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 judgment 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.

REVOCACTIONS

A CHL holder may have their license revoked if he/she:

- ❖ Is convicted 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.
- ❖ Gave false information on the application or failed to disclose a material fact.
- ❖ Is convicted under section 46.035 Penal Code - UCW by License Holder.
- ❖ Has two prior suspensions for the same suspend able 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, and 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 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.

Texas shares reciprocity with:

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:

- 1) is traveling;
- 2) 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

- ❖ Stance (Weaver Stance, Isosceles Stance) (Natural point of aim)
- ❖ Grip/Locked Wrist
- ❖ Sight Alignment / Sight Picture
- ❖ Breath Control
- ❖ Trigger Control
- ❖ 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 may 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).

Qualification Course of Fire

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
- ❖ Appearance

Some barriers to communication:

- ❖ Background of People
- ❖ Assumptions
- ❖ Poor Listening
- ❖ Previous Interactions
- ❖ Disinterest
- ❖ 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 of me.”

Non-Violent Communication

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

- 1) Moralistic Judgments - We make judgments 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

- ❖ Clinched fists
- ❖ Increasingly deep and rapid respiration
- ❖ Sweating
- ❖ Elevated blood pressure
- ❖ Violent verbal outbursts
- ❖ Crying
- ❖ Tantrum-like behavior
- ❖ Body tremors (shaking)
- ❖ Stuttering speech
- ❖ Intense or fixed eye contact on a target or focal point

All signs come from two sources:

- 1) Physiological (Body)
- 2) 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:

- ❖ Hesitation

- ❖ Verbal abuse
- ❖ Bluff
- ❖ Unnecessary Force

Factors to Consider When Determining the Need to Use Force

- ❖ Is the person armed
- ❖ What is the nature of the crime
- ❖ Number of subjects involved
- ❖ How much support is immediately available from others
- ❖ 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:

- 1) Once in the mind.
- 2) 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)

If you carry a firearm, carry a cell phone. **Call 911:**

- 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 Counsel*****

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:

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

Top Ten Reasons You Need Handgun Training:

Ten

“A free people ought to be armed.”
~George Washington

Nine

“No free man shall ever be debarred the use of arms.”
~Thomas Jefferson

Eight

“To disarm the people is the best and most effectual way to enslave them.”
~George Mason

Seven

“No law ever prevented a crime.”
~Anonymous

Six

“Arms in the hands of citizens may be used at individual discretion in private self-defense.”
~John Adams

Five

“An armed society is a polite society.”
~Robert Heinlein

Four

“Laws can’t control the lawless”
~Wayne LaPierre

Three

“A fear of weapons is a sign of retarded sexual and emotional maturity.”
~Sigmund Freud

Two

“Blaming guns for killing people is like blaming pencils for bad spelling”
~Larry the Cable Guy

And the Number One Reason You Need Handgun Training is:

“When seconds count, the police are minutes away!”