

SUBJECT: Waiving concealed handgun license fees for military and veterans

COMMITTEE: Defense Affairs and State-Federal Relations — committee substitute recommended

VOTE: 7 ayes — Corte, Escobar, Noriega, Garcia, Hodge, Merritt, Raymond
0 nays
1 present not voting — Moreno
1 absent — Herrero

WITNESSES: For — None
Against — None
On — Jan Coffey, Texas Department of Public Safety Concealed Handgun Licensing Bureau

BACKGROUND: The 74th Legislature in 1995 enacted SB 60 by Patterson, which permits Texans to apply for licenses to carry concealed handguns.

Government Code, sec. 411.174 requires an applicant for a concealed handgun license to submit a nonrefundable application and license fee of \$140 to the Department of Public Safety (DPS). Government Code, sec. 411.181 sets a \$25 fee for issuing a duplicate license after a change of name or address. Government Code, sec. 411.185 allows the DPS to set the fee for renewal of the licenses by administrative rule, and that fee currently is \$70.

Government Code, secs. 411.194 and 411.195 require DPS to charge half of the normal licensing fee to indigents and senior citizens.

In 2005, the 79th Legislature enacted HB 322 by Hupp, et al., adding Government Code sec. 411.1951 to include members of the United States armed forces, including the reserves, national guard, or state guard, on the list of those eligible for the half of the normal licensing fee for concealed handgun licenses.

Government Code, ch. 431 defines and governs the operations of the state militia.

DIGEST: CSHB 233 would amend Government Code, sec. 411.1951 to waive fees for members and recent veterans of the armed forces for an original application for a concealed handgun license or for a duplicate, modified, or renewal license.

The bill would limit the fee waiver to 365 days after the honorable discharge of a veteran and would define an eligible veteran as one who had served and been honorably discharged after service in:

- the army, navy, air force, coast guard or marine corps of the United States;
- state military forces defined in Government Code, sec. 431.001;
- auxiliary services of those branches of the armed forces.

The bill would take effect on September 1, 2007.

**SUPPORTERS
SAY:**

Members of the armed forces risk their lives to protect the United States, and the state should acknowledge and appreciate that sacrifice by allowing them to obtain and retain concealed handgun licenses at no charge. Any cost required to administer the program would be minor compared to what citizens owe these men and women. CSHB 233 would reduce the likely loss of revenue to the state by restricting it to those honorably discharged within the past 365 days.

It would be proper to extend the waiver to recently honorably discharged veterans who may be returning from service in Iraq or Afghanistan. Both active members of the armed forces and recent veterans are highly trained in the use of weapons. Their proficiency should be current and would allow them to qualify for the other rigorous requirements for concealed handgun licenses more readily than veterans further removed from active duty.

The bill would eliminate only the fees charged by DPS. All other requirements to meet the standards for concealed handgun licenses would remain unchanged.

OPPONENTS
SAY:

Elimination of the concealed handgun license fees would cost the state revenue and still would require DPS to process and evaluate these applications and renewals. The cost cannot be determined but could be significant as more active duty service members and recent veterans took advantage of the fee waivers.

OTHER
OPPONENTS
SAY:

CSHB 233 would limit the waiver only to recent veterans. Other honorably discharged veterans, including those who served during World War II and in Korea and Vietnam, should have the same fee waiver for concealed handgun licenses.

NOTES:

The original version of the bill would have granted the waiver to all honorably discharged veterans while the substitute would limit the waiver to the first 365 days after the honorable discharge.

On March 26, the House Law Enforcement Committee heard and left pending a related bill, HB 954 by Farabee, which would extend the current 50-percent reduction of fees to honorably discharged veterans.

The Legislative Board Board's fiscal note on the original version of the bill was an estimated cost to general revenue of \$889,000 through 2008-09, but the revised fiscal note for the substitute lists no significant fiscal implications because the potential revenue loss cannot be estimated.