

SUBJECT: Personal information on, and distribution of, DPS handgun instructors list

COMMITTEE: Public Safety — favorable, without amendment

VOTE: 8 ayes — Merritt, Frost, Driver, P. King, Lewis, Mallory Caraway,
Rodriguez, Vo

0 nays

1 absent — Burnam

WITNESSES: For — None

Against — (*Registered, but did not testify*: Ed Sterling, Texas Press Association)

On — (*Registered, but did not testify*: Steve Moninger, Department of Public Safety Concealed Handgun Bureau)

BACKGROUND: Government Code, sec. 411.188 requires those applying for a concealed handgun license to complete a 10-to-15 hour handgun proficiency course and those renewing concealed handgun license to take a four-hour continuing education course. These courses are taught by instructors trained and certified by Department of Public Safety (DPS), and the DPS maintains a list of certified handgun instructors on its website.

DIGEST: HB 4037 would amend Government Code, sec. 411.192 to require DPS to make and distribute lists of certified handgun instructors to the public. The list would have to be posted on the DPS website on or before June 1, 2010, and include the name, telephone number, email, and website of each certified handgun instructor. Handgun instructors would be allowed to submit a written request to DPS to have all or part of their information removed from the website.

The bill also would amend Government Code, sec. 411.192 to require that a certified handgun instructor's phone number, email, and website address, along with the personal information now included, be available upon request by a criminal justice agency.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS
SAY:**

HB 4037 would ensure that contact information for certified handgun instructors be readily available through the DPS website. It also would provide a way for handgun instructors to opt out of disclosing personal information on the list and help them to protect their privacy and ensure their personal safety.

**OPPONENTS
SAY:**

Basic information about concealed handgun licensees and other state-certified individuals belongs to the public and should be available to requestors under the Texas Public Information Act. The Legislature should stop carving out special exemptions in disclosing information collected and maintained at taxpayer expense.