

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1406
By: Estes
Criminal Justice
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Committee Report (Substituted)

DIGEST AND PURPOSE

In 1997, Section 411.173 was added to the Government Code and provides the means for a resident of another state that does not have a concealed handgun program to obtain a Texas concealed carry license. This section also requires the Department of Public Safety(DPS) to negotiate reciprocity agreements with other states to allow Texas residents to legally carry a concealed handgun in another state and vice versa. Since 1997, DPS has only negotiated 8 agreements.

C.S.S.B. 1406 allows out of state licensees to retain their Texas licenses issued under Section 411, Government Code, until Texas recognizes the licenses issued by their home state. This bill also revises Section 411.173(b) to allow Texas to obtain more reciprocity agreements.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.173, Government Code, as follows:

Sec. 411.173. NONRESIDENT LICENSE. (a) Provides that if a state whose residents are authorized to obtain a license under this section enacts a law providing for the issuance of a license to carry a concealed handgun, a license issued to a resident of that state remains in effect until the license expires under Section 411.183 and may be renewed under Section 411.185 until the time a license issued by the other state is recognized by this state under Subsection (b).

(b) Requires the governor, rather than the Texas Department of Public Safety (DPS), to negotiate an agreement with any other state that provides for the issuance of a license to carry a concealed handgun under which a license issued by the other state is recognized in this state or to issue a proclamation that a license issued by the other state is recognized in this state if the Attorney General of Texas, rather than the Texas Department of Public Safety, determines the applicant's eligibility to possess a firearm under federal law.

(c) Requires the attorney general to annually:

(1) submit a report to the governor, lieutenant governor and the speaker of the house of representatives listing the states the attorney general has determined qualify for recognition under Subsection (b); and

(2) review the statutes of states that the attorney general has determined do not qualify for recognition under Subsection (b) to determine the changes to their statutes that are necessary to qualify for recognition under that subsection.

(d) Requires the attorney general to submit the report required by Subsection

(c)(1) not later than January 1 of each calendar year.

SECTION 2. (a) Effective date: September 1, 2003.

(b) Requires the attorney general to submit the first report required by Section 411.173(c)(1), Government Code, as added by this Act, not later than January 1, 2005.