

## **BILL ANALYSIS**

Senate Research Center  
83R20163 JSC-D

H.B. 48  
By: Flynn et al. (Patrick)  
Criminal Justice  
5/15/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, a concealed handgun license expires on the license holder's first birthday that occurs after the fourth anniversary of the date of issuance. Thus, license holders must go through the renewal process, which includes completion of a continuing education course in handgun proficiency, every five years. Interested parties believe that this renewal requirement creates an unnecessary burden on law-abiding license holders who have not been involved in any criminal activities. H.B. 48 seeks to address this concern by revising requirements and procedures for renewing a concealed handgun license.

H.B. 48 amends current law relating to the procedure under which a person may renew a license to carry a concealed handgun.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the public safety director (director) is modified in SECTION 1 (Section 411.185, Government Code) of this bill.

Rulemaking authority is expressly granted to the director in SECTION 1 (Section 411.185, Government Code) and SECTION 6 of this bill.

Rulemaking authority previously granted to the Department of Safety of the State of Texas is rescinded in SECTION 5 (Section 411.188, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 411.185, Government Code, as follows:

Sec. 411.185. New heading: LICENSE RENEWAL PROCEDURE. (a) Requires a license holder, to renew a license, on or before the date the license expires, to submit to the Department of Public Safety of the State of Texas (DPS) by mail or, in accordance with the procedure adopted under Subsection (f), on the Internet:

- (1) a renewal application on a form provided by DPS;
- (2) payment of a nonrefundable renewal fee as set by DPS; and
- (3) the informational form described by Subsection (c) signed or electronically acknowledged by the applicant .

Deletes existing text requiring a license holder, to renew a license, to complete a continuing education course in handgun proficiency under Section 411.188(c) (relating to requiring DPS by rule to develop a certain continuing education course in handgun proficiency for a license holder to renew a license) within the six-month period preceding the date of application for renewal, for a first or second renewal, and the date of application for renewal or the date of application for the preceding renewal, for a third or subsequent renewal, to ensure that the license holder is not required to complete the course more than once in any 10-

year period; and submit to DPS an application for renewal on a form provided by DPS, evidence of handgun proficiency, in the form and manner required by DPS, payment of a nonrefundable renewal fee as set by DPS, and one or more photographs of the applicant that meet the requirements of DPS. Makes nonsubstantive changes.

(b) Requires the public safety director (director) by rule to set the renewal fee in an amount that is sufficient to cover the actual cost to DPS to verify the information contained in the renewal application form, conduct any necessary investigation concerning the license holder's continued eligibility to hold a license, and issue the renewed license, rather than requiring the director by rule to set the renewal fee in an amount that is sufficient to cover the actual cost to DPS to renew a license.

(c) Requires the director by rule to adopt an informational form that describes state law regarding the use of deadly force and the places where it is unlawful for the holder of a license issued under this subchapter (Criminal History Record Information) to carry a concealed handgun. Requires an applicant for a renewed license to sign and return the informational form to DPS by mail or acknowledge the form electronically on the Internet according to the procedure adopted under Subsection (f).

(d) Creates this subsection from existing text. Requires DPS, not later than the 60th day before the expiration date of the license, to mail to each license holder a written notice of the expiration of the license, a renewal application form, and the informational form described by Subsection (c).

(e) Redesignates existing Subsection (c) as Subsection (e). Requires DPS to renew the license of a license holder who meets all the eligibility requirements to continue to hold a license and submits all the renewal materials described by Subsection (a). Requires DPS, not later than the 45th day after receipt of the renewal materials, to issue the renewed license, rather than the renewal, or notify the license holder in writing that DPS denied the license holder's renewal application, rather than that the renewal application was denied.

(f) Redesignates existing Subsection (d) as Subsection (f). Requires the director by rule to adopt a procedure by which a license holder who satisfies the eligibility requirements to continue to hold a license is authorized to submit the renewal materials described by Subsection (a) by mail or on the Internet, rather than by which a license holder who satisfies the eligibility criteria is authorized to renew a license by mail. Deletes existing text requiring that the materials for renewal by mail include a form to be signed and returned to DPS by the applicant that describes state law regarding the use of deadly force, and the places where it is unlawful for the holder of a license issued under this subchapter to carry a concealed handgun.

SECTION 2. Amends Sections 411.188(d), (g), and (k), Government Code, as follows:

(d) Authorizes only a qualified handgun instructor to administer the proficiency examination to obtain a license, rather than to obtain or to renew a license.

(g) Requires a person who wishes to obtain a license, rather than to obtain or renew a license, to carry a concealed handgun to apply in person to a qualified handgun instructor to take the appropriate course in handgun proficiency and demonstrate handgun proficiency as required by DPS.

(k) Authorizes a qualified handgun instructor to submit to DPS a written recommendation for disapproval of the application for a license or modification of a license, rather than for a license, renewal, or modification of a license, accompanied by an affidavit stating personal knowledge or naming persons with personal knowledge of

facts that lead the instructor to believe that an applicant does not possess the required handgun proficiency.

SECTION 3. Amends Section 411.1881(a), Government Code, as follows:

(a) Prohibits a person, notwithstanding any other provision of this subchapter, from being required to complete the range instruction portion of a handgun proficiency course to obtain a license, rather than to obtain or renew a concealed handgun license, issued under this subchapter if the person:

(1) is currently serving in or is honorably discharged from the army, navy, air force, coast guard, or marine corps of the United States or an auxiliary service or reserve unit of one of those branches of the armed forces, or the state military forces, as defined by Section 431.001; and

(2) has, within the five years preceding the date of the person's application for the license, rather than for an original or renewed license, as applicable, completed a course of training in handgun proficiency or familiarization as part of the person's service with the armed forces or state military forces.

SECTION 4. Amends Section 411.201(g), Government Code, as follows:

(g) Provides that a license issued under this section expires as provided by Section 411.183 (Expiration) and is authorized to be renewed in accordance with Section 411.185. Deletes an exception under this subsection. Deletes existing text providing that an active judicial officer is not required to attend the classroom instruction part of the continuing education proficiency course to renew a license.

SECTION 5. Repealers: Sections 411.188(c) (relating to requiring DPS by rule to develop a certain continuing education course in handgun proficiency for a license holder to renew a license) and (j) (relating to authorizing the continuing education instruction course to be offered online) and 411.199(e) (relating to requiring a retired peace officer who obtains a license under Subchapter F (Criminal History Record Information), Chapter 411, to meet certain proficiency requirements), Government Code.

SECTION 6. Requires the director to adopt the rules required by Section 411.185, Government Code, as amended by this Act, as soon as practicable after the effective date of this Act.

SECTION 7. Provides that the change in law made by this Act applies to an application for the renewal of a license to carry a concealed handgun that is submitted to DPS on or after the effective date of this Act, regardless of whether the license was originally issued before, on, or after the effective date of this Act.

SECTION 8. Effective date: September 1, 2013.