

1-1 By: Flynn, et al. (Senate Sponsor - Patrick) H.B. No. 48
1-2 (In the Senate - Received from the House May 7, 2013;
1-3 May 9, 2013, read first time and referred to Committee on Criminal
1-4 Justice; May 17, 2013, reported favorably by the following vote:
1-5 Yeas 6, Nays 1; May 17, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Huffman	X		
1-10	Carona	X		
1-11	Hinojosa	X		
1-12	Patrick	X		
1-13	Rodriguez		X	
1-14	Schwertner	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the procedure under which a person may renew a license
1-18 to carry a concealed handgun.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 411.185, Government Code, is amended to
1-21 read as follows:

1-22 Sec. 411.185. LICENSE RENEWAL PROCEDURE. (a) To renew a
1-23 license, a license holder must, on or before the date the license
1-24 expires, ~~[+]~~

1-25 ~~[(1) complete a continuing education course in handgun~~
1-26 ~~proficiency under Section 411.188(c) within the six-month period~~
1-27 ~~preceding+]~~

1-28 ~~[(A) the date of application for renewal, for a~~
1-29 ~~first or second renewal; and~~

1-30 ~~[(B) the date of application for renewal or the~~
1-31 ~~date of application for the preceding renewal, for a third or~~
1-32 ~~subsequent renewal, to ensure that the license holder is not~~
1-33 ~~required to complete the course more than once in any 10-year~~
1-34 ~~period; and~~

1-35 ~~[(2)]~~ submit to the department by mail or, in
1-36 accordance with the procedure adopted under Subsection (f), on the
1-37 Internet:

1-38 (1) a [(A) an application for] renewal application
1-39 on a form provided by the department;

1-40 (2) [(B) evidence of handgun proficiency, in the form
1-41 and manner required by the department,

1-42 [(C)] payment of a nonrefundable renewal fee as
1-43 set by the department; and

1-44 (3) the informational form described by Subsection (c)
1-45 signed or electronically acknowledged by the applicant [(D) one or
1-46 more photographs of the applicant that meet the requirements of the
1-47 department].

1-48 (b) The director by rule shall adopt a renewal application
1-49 form requiring an update of the information on the original
1-50 completed application. The director by rule shall set the renewal
1-51 fee in an amount that is sufficient to cover the actual cost to the
1-52 department to:

1-53 (1) verify the information contained in the renewal
1-54 application form;

1-55 (2) conduct any necessary investigation concerning
1-56 the license holder's continued eligibility to hold [renew] a
1-57 license; and

1-58 (3) issue the renewed license.

1-59 (c) The director by rule shall adopt an informational form
1-60 that describes state law regarding the use of deadly force and the
1-61 places where it is unlawful for the holder of a license issued under

this subchapter to carry a concealed handgun. An applicant for a renewed license must sign and return the informational form to the department by mail or acknowledge the form electronically on the Internet according to the procedure adopted under Subsection (f).

(d) Not later than the 60th day before the expiration date of the license, the department shall mail to each license holder a written notice of the expiration of the license, ~~and~~ a renewal application form, and the informational form described by Subsection (c).

(e) ~~[(e)]~~ The department shall 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). Not later than the 45th day after receipt of the renewal materials, the department shall issue the renewed license ~~[renewal]~~ or notify the license holder in writing that the department denied the license holder's renewal application ~~[was denied]~~.

(f) ~~[(d)]~~ The director by rule shall adopt a procedure by which a license holder who satisfies the eligibility requirements to continue to hold a license ~~[criteria]~~ may submit the renewal materials described by Subsection (a) ~~[renew a license]~~ by mail or on the Internet. ~~[The materials for renewal by mail must include a form to be signed and returned to the department by the applicant that describes state law regarding:~~

~~[(1) the use of deadly force, and~~
~~[(2) the places where it is unlawful for the holder of a license issued under this subchapter to carry a concealed handgun.]~~

SECTION 2. Sections 411.188(d), (g), and (k), Government Code, are amended to read as follows:

(d) Only a qualified handgun instructor may administer the proficiency examination to obtain ~~[or to renew]~~ a license. The proficiency examination must include:

(1) a written section on the subjects listed in Subsection (b); and

(2) a physical demonstration of proficiency in the use of one or more handguns of specific categories and in handgun safety procedures.

(g) A person who wishes to obtain ~~[or renew]~~ a license to carry a concealed handgun must apply in person to a qualified handgun instructor to take the appropriate course in handgun proficiency and demonstrate handgun proficiency as required by the department.

(k) A qualified handgun instructor may submit to the department a written recommendation for disapproval of the application 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. The department may use a written recommendation submitted under this subsection as the basis for denial of a license only if the department determines that the recommendation is made in good faith and is supported by a preponderance of the evidence. The department shall make a determination under this subsection not later than the 45th day after the date the department receives the written recommendation. The 60-day period in which the department must take action under Section 411.177(b) is extended one day for each day a determination is pending under this subsection.

SECTION 3. Section 411.1881(a), Government Code, is amended to read as follows:

(a) Notwithstanding any other provision of this subchapter, a person may not be required to complete the range instruction portion of a handgun proficiency course to obtain a ~~[or renew a concealed handgun]~~ license issued under this subchapter if the person:

(1) is currently serving in or is honorably discharged from:

(A) 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

(B) 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 ~~[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. Section 411.201(g), Government Code, is amended to read as follows:

(g) A license issued under this section expires as provided by Section 411.183 and~~[, except as otherwise provided by this subsection,]~~ may be renewed in accordance with Section 411.185 ~~[of this subchapter. 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. Sections 411.188(c) and (j) and 411.199(e), Government Code, are repealed.

SECTION 6. The director of the Department of Public Safety shall 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. 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 the Department of Public Safety 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. This Act takes effect September 1, 2013.

* * * * *