

By: Flynn

H.B. No. 48

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the procedure under which a person may renew a license
3 to carry a concealed handgun.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 411.185, Government Code, is amended to
6 read as follows:

7 Sec. 411.185. LICENSE RENEWAL PROCEDURE. (a) To renew a
8 license, a license holder must, on or before the date the license
9 expires, ~~[~~

10 ~~(1) complete a continuing education course in handgun~~
11 ~~proficiency under Section 411.188(c) within the six-month period~~
12 ~~preceding:~~

13 ~~[(A) the date of application for renewal, for a~~
14 ~~first or second renewal, and~~

15 ~~[(B) the date of application for renewal or the~~
16 ~~date of application for the preceding renewal, for a third or~~
17 ~~subsequent renewal, to ensure that the license holder is not~~
18 ~~required to complete the course more than once in any 10-year~~
19 ~~period, and~~

20 ~~[(2)]~~ submit to the department by mail or, in
21 accordance with the procedure adopted under Subsection (f), on the
22 Internet:

23 (1) a ~~[(A) an application for]~~ renewal application
24 on a form provided by the department;

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

3 ~~[(C)]~~ payment of a nonrefundable renewal fee as
4 set by the department; and

5 (3) the informational form described by Subsection (c)
6 signed or electronically acknowledged by the applicant [~~(D)~~ ~~one or~~
7 ~~more photographs of the applicant that meet the requirements of the~~
8 ~~department)].~~

9 (b) The director by rule shall adopt a renewal application
10 form requiring an update of the information on the original
11 completed application. The director by rule shall set the renewal
12 fee in an amount that is sufficient to cover the actual cost to the
13 department to:

14 (1) verify the information contained in the renewal
15 application form;

16 (2) conduct any necessary investigation concerning
17 the license holder's continued eligibility to hold [~~renew~~] a
18 license; and

19 (3) issue the renewed license.

20 (c) The director by rule shall adopt an informational form
21 that describes state law regarding the use of deadly force and the
22 places where it is unlawful for the holder of a license issued under
23 this subchapter to carry a concealed handgun. An applicant for a
24 renewed license must sign and return the informational form to the
25 department by mail or acknowledge the form electronically on the
26 Internet according to the procedure adopted under Subsection (f).

27 (d) Not later than the 60th day before the expiration date

1 of the license, the department shall mail to each license holder a
2 written notice of the expiration of the license, ~~and~~ a renewal
3 application form, and the informational form described by
4 Subsection (c).

5 (e) ~~(e)~~ The department shall renew the license of a
6 license holder who meets all the eligibility requirements to
7 continue to hold a license and submits all the renewal materials
8 described by Subsection (a). Not later than the 45th day after
9 receipt of the renewal materials, the department shall issue the
10 renewed license ~~renewal~~ or notify the license holder in writing
11 that the department denied the license holder's renewal application
12 ~~was denied~~.

13 (f) ~~(d)~~ The director by rule shall adopt a procedure by
14 which a license holder who satisfies the eligibility requirements
15 to continue to hold a license ~~criteria~~ may submit the renewal
16 materials described by Subsection (a) ~~renew a license~~ by mail or
17 on the Internet.

18 (g) A person who has submitted to the department the renewal
19 materials described by Subsection (a) may continue to carry any
20 concealed handgun the person was licensed to carry under the
21 person's expired license until the renewed license is received if:

22 (1) at any time the person is carrying the concealed
23 handgun, the person also carries:

24 (A) the person's expired license; and

25 (B) documentation that the person has submitted
26 to the department the renewal materials described by Subsection

27 (a); and

1 (2) the person has not been notified by the department
2 that the person's renewal application has been denied [~~The~~
3 ~~materials for renewal by mail must include a form to be signed and~~
4 ~~returned to the department by the applicant that describes state~~
5 ~~law regarding:~~

6 ~~[(1) the use of deadly force; and~~

7 ~~[(2) the places where it is unlawful for the holder of~~
8 ~~a license issued under this subchapter to carry a concealed~~
9 ~~handgun].~~

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

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

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

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

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

25 (k) A qualified handgun instructor may submit to the
26 department a written recommendation for disapproval of the
27 application for a license [~~, renewal,~~] or modification of a license,

1 accompanied by an affidavit stating personal knowledge or naming
2 persons with personal knowledge of facts that lead the instructor
3 to believe that an applicant does not possess the required handgun
4 proficiency. The department may use a written recommendation
5 submitted under this subsection as the basis for denial of a license
6 only if the department determines that the recommendation is made
7 in good faith and is supported by a preponderance of the evidence.
8 The department shall make a determination under this subsection not
9 later than the 45th day after the date the department receives the
10 written recommendation. The 60-day period in which the department
11 must take action under Section 411.177(b) is extended one day for
12 each day a determination is pending under this subsection.

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

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

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

22 (A) the army, navy, air force, coast guard, or
23 marine corps of the United States or an auxiliary service or reserve
24 unit of one of those branches of the armed forces; or

25 (B) the state military forces, as defined by
26 Section 431.001; and

27 (2) has, within the five years preceding the date of

1 the person's application for the [~~an original or renewed~~] license[~~,
2 as applicable~~], completed a course of training in handgun
3 proficiency or familiarization as part of the person's service with
4 the armed forces or state military forces.

5 SECTION 4. Section 411.201(g), Government Code, is amended
6 to read as follows:

7 (g) A license issued under this section expires as provided
8 by Section 411.183 and, except as otherwise provided by this
9 subsection, may be renewed in accordance with Section 411.185 [~~of
10 this subchapter. An active judicial officer is not required to
11 attend the classroom instruction part of the continuing education
12 proficiency course to renew a license~~].

13 SECTION 5. Sections 411.188(c) and (j) and 411.199(e),
14 Government Code, are repealed.

15 SECTION 6. The director of the Department of Public Safety
16 shall adopt the rules required by Section 411.185, Government Code,
17 as amended by this Act, as soon as practicable after the effective
18 date of this Act.

19 SECTION 7. The change in law made by this Act applies to an
20 application for the renewal of a license to carry a concealed
21 handgun that is submitted to the Department of Public Safety on or
22 after the effective date of this Act, regardless of whether the
23 license was originally issued before, on, or after the effective
24 date of this Act.

25 SECTION 8. This Act takes effect September 1, 2013.