

By: Virdell

H.B. No. 1923

A BILL TO BE ENTITLED

AN ACT

relating to removing the requirement that an applicant for or holder of a license to carry a handgun provide fingerprints.

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

SECTION 1. Section 411.0891(d), Government Code, is amended to read as follows:

(d) The department may require any person for whom the department is authorized to obtain criminal history record information under Subsections (a) and (a-1) to submit a complete and legible set of fingerprints to the department on a form prescribed by the department for the purpose of obtaining criminal history record information. This subsection does not apply to a person described by Subsection (a)(6) who is an applicant for or holds a license to carry a handgun issued by the department under Subchapter H.

SECTION 2. Section 411.174(a), Government Code, is amended to read as follows:

(a) An applicant for a license to carry a handgun must submit to the director's designee described by Section 411.176:

(1) a completed application on a form provided by the department that requires only the information listed in Subsection (b);

(2) one or more photographs of the applicant that meet the requirements of the department;

1 (3) a certified copy of the applicant's birth
2 certificate or certified proof of age;

3 (4) proof of residency in this state;

4 (5) ~~[two complete sets of legible and classifiable~~
5 ~~fingerprints of the applicant taken by a person appropriately~~
6 ~~trained in recording fingerprints who is employed by a law~~
7 ~~enforcement agency or by a private entity designated by a law~~
8 ~~enforcement agency as an entity qualified to take fingerprints of~~
9 ~~an applicant for a license under this subchapter,~~

10 ~~[(6)]~~ a nonrefundable application and license fee of
11 \$40 paid to the department;

12 (6) ~~[(7)]~~ evidence of handgun proficiency, in the form
13 and manner required by the department;

14 (7) ~~[(8)]~~ an affidavit signed by the applicant stating
15 that the applicant:

16 (A) has read and understands each provision of
17 this subchapter that creates an offense under the laws of this state
18 and each provision of the laws of this state related to use of
19 deadly force; and

20 (B) fulfills all the eligibility requirements
21 listed under Section [411.172](#); and

22 (8) ~~[(9)]~~ a form executed by the applicant that
23 authorizes the director to make an inquiry into any noncriminal
24 history records that are necessary to determine the applicant's
25 eligibility for a license under Section [411.172\(a\)](#).

26 SECTION 3. Section [411.176\(b\)](#), Government Code, is amended
27 to read as follows:

1 (b) The director's designee as needed shall conduct an
2 additional criminal history record check of the applicant and an
3 investigation of the applicant's local official records to verify
4 the accuracy of the application materials. The director's designee
5 may access any records necessary for purposes of this subsection.
6 The scope of the record check and the investigation are at the sole
7 discretion of the department, except that the director's designee
8 shall complete the record check and investigation not later than
9 the 60th day after the date the department receives the application
10 materials. The department shall contact [~~send a fingerprint card~~
11 ~~to~~] the Federal Bureau of Investigation to obtain [~~for~~] a national
12 criminal history check of the applicant. On completion of the
13 investigation, the director's designee shall return all materials
14 and the result of the investigation to the appropriate division of
15 the department at its Austin headquarters.

16 SECTION 4. Section [411.199](#)(b), Government Code, is amended
17 to read as follows:

18 (b) The person shall submit [~~two complete sets of legible~~
19 ~~and classifiable fingerprints and~~] a sworn statement from the head
20 of the law enforcement agency that employed the applicant or other
21 former employer of the applicant, as applicable. A head of a law
22 enforcement agency or other former employer may not refuse to issue
23 a statement under this subsection. If the applicant alleges that
24 the statement is untrue, the department shall investigate the
25 validity of the statement. The statement must include:

- 26 (1) the name and rank of the applicant;
27 (2) the status of the applicant before retirement;

(3) whether the applicant was accused of misconduct at the time of the retirement;

(4) the physical and mental condition of the applicant;

(5) the type of weapons the applicant had demonstrated proficiency with during the last year of employment;

(6) whether the applicant would be eligible for reemployment with the agency or employer, and if not, the reasons the applicant is not eligible;

(7) a recommendation from the agency head or the employer regarding the issuance of a license under this subchapter; and

(8) whether the applicant holds a current certificate of proficiency under Section 1701.357, Occupations Code.

SECTION 5. Section 411.1992(b), Government Code, is amended to read as follows:

(b) The applicant shall submit to the department ~~[two complete sets of legible and classifiable fingerprints and]~~ a sworn statement from the head of the law enforcement agency at which the applicant last served as a reserve law enforcement officer. A head of a law enforcement agency may not refuse to issue a statement under this subsection. If the applicant alleges that the statement is untrue, the department shall investigate the validity of the statement. The statement must include:

(1) the name and rank of the applicant;

(2) the status of the applicant;

(3) whether the applicant was accused of misconduct at

any time during the applicant's term of service and the disposition of that accusation;

(4) a description of the physical and mental condition of the applicant;

(5) a list of the types of weapons the applicant demonstrated proficiency with during the applicant's term of service; and

(6) a recommendation from the agency head regarding the issuance of a license under this subchapter.

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

(d) An applicant for a license who is an active or retired judicial officer must submit to the department:

(1) a completed application, including all required affidavits, on a form prescribed by the department;

(2) one or more photographs of the applicant that meet the requirements of the department;

~~(3) [two complete sets of legible and classifiable fingerprints of the applicant, including one set taken by a person employed by a law enforcement agency who is appropriately trained in recording fingerprints,~~

~~[(4)]~~ evidence of handgun proficiency, in the form and manner required by the department for an applicant under this section;

(4) ~~[(5)]~~ a nonrefundable application and license fee of \$25; and

(5) ~~[(6)]~~ if the applicant is a retired judicial

1 officer, a form executed by the applicant that authorizes the
2 department to make an inquiry into any noncriminal history records
3 that are necessary to determine the applicant's eligibility for a
4 license under this subchapter.

5 SECTION 7. Section 118.0217(a), Local Government Code, is
6 amended to read as follows:

7 (a) The fee for a "mental health background check for
8 license to carry a handgun" is for a check, conducted by the county
9 clerk at the request of the Texas Department of Public Safety, of
10 the county records involving the mental condition of a person who
11 applies for a license to carry a handgun under Subchapter H, Chapter
12 411, Government Code. The fee, not to exceed \$2, will be paid from
13 the application fee submitted to the Department of Public Safety
14 according to Section 411.174(a)(5) [~~411.174(a)(6)~~], Government
15 Code.

16 SECTION 8. Section 411.175, Government Code, is repealed.

17 SECTION 9. The change in law made by this Act applies only
18 to an applicant for a license to carry a handgun under Subchapter H,
19 Chapter 411, Government Code, as amended by this Act, who submits
20 the application for the license on or after the effective date of
21 this Act.

22 SECTION 10. This Act takes effect September 1, 2025.