

## **BILL ANALYSIS**

C.S.H.B. 3477  
By: Stick  
Law Enforcement  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law authorizes the Department of Public Safety (DPS) to negotiate a reciprocity agreement under which a concealed handgun license (CHL) issued by another state is recognized in Texas. In order for another state to be eligible, the requirements to carry a concealed weapon under its laws must meet or exceed the requirements of a federal background check. However, the language of the current law creates an ambiguity as to which states' laws meet or exceed the requirements of a federal background check. As a result, only 8 states have been granted concealed handgun license reciprocity so far. C.S.H.B. 3477 addresses this issue by clarifying that another state is eligible for reciprocity if it conducts a federal background check and determines that someone is able to carry a firearm under federal law before issuing a concealed handgun license. C.S.H.B. 3477 also transfers the responsibility for negotiating CHL reciprocity agreements with other states from DPS to the Office of the Attorney General.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3477 amends Section 411.173 of the Government Code by providing that a Texas non-resident CHL may be renewed as a non-resident license under Section 411.185 until such time as the person's home state is granted reciprocity. A non-resident license remains in effect until the license expires under Section 411.183, even if the person's home state is granted reciprocity in the meantime. The bill requires the governor to negotiate an agreement with any other state that provides for the issuance of CHL's that are recognized by this state under this section or to issue a proclamation recognizing another state's CHL if the attorney general determines that its state or local authorities conduct a background check of a permit applicant, prior to the issuance of a permit, to determine the applicant's eligibility to possess a firearm under federal law.

C.S.H.B. 3477 also amends the Government Code to require the attorney general to issue a report annually to the governor, lieutenant governor, and speaker of the house listing the states the attorney general determined qualify for recognition under this section and reviewing the statutes of states that the attorney general determined do not qualify for recognition to assess the changes to their statutes that are necessary to qualify for recognition. The attorney general is required to submit the report required by this section not later than January 1 of each calendar year, and the first report is due no later than January 1, 2005.

### **EFFECTIVE DATE**

This Act takes effect September 1, 2003.

## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 3477 modifies the original by providing that the attorney general, rather than DPS, is responsible for determining that a background check of each applicant is conducted by the state or local authorities prior to the issuance of a permit to determine the applicant's eligibility to possess a firearm under federal law. The substitute also provides that the attorney general is responsible for issuing the annual report listing the states that qualify for recognition and reviewing the statutes of states that do not qualify to determine the changes necessary for recognition. Under the original bill, the Department of Public Safety was responsible for all of these activities.