

By: Davis of Dallas

H.B. No. 1259

A BILL TO BE ENTITLED

1 AN ACT

2 relating to an applicant's eligibility and satisfaction of the  
3 handgun proficiency requirement to obtain or renew a license to  
4 carry a concealed handgun.

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

6 SECTION 1. Sections 411.188(b) and (c), Government Code,  
7 are amended to read as follows:

8 (b) Only a qualified handgun instructor may administer a  
9 handgun proficiency course. The handgun proficiency course must  
10 include at least 15 [~~10~~] hours and not more than 20 [~~15~~] hours of  
11 instruction on:

12 (1) the laws that relate to weapons and to the use of  
13 deadly force;

14 (2) handgun use, proficiency, and safety;

15 (3) nonviolent dispute resolution; and

16 (4) proper storage practices for handguns with an  
17 emphasis on storage practices that eliminate the possibility of  
18 accidental injury to a child.

19 (c) The department by rule shall develop a continuing  
20 education course in handgun proficiency for a license holder who  
21 wishes to renew a license. Only a qualified handgun instructor may  
22 administer the continuing education course. The course must  
23 include:

24 (1) at least eight [~~four~~] hours of instruction on one

1 or more of the subjects listed in Subsection (b); and

2 (2) other information the director determines is  
3 appropriate.

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

6 (a) An applicant for a license to carry a concealed handgun  
7 must submit to the director's designee described by Section  
8 411.176:

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

12 (2) two recent color passport photographs of the  
13 applicant;

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

16 (4) proof of residency in this state;

17 (5) two complete sets of legible and classifiable  
18 fingerprints of the applicant taken by a person appropriately  
19 trained in recording fingerprints who is employed by a law  
20 enforcement agency or by a private entity designated by a law  
21 enforcement agency as an entity qualified to take fingerprints of  
22 an applicant for a license under this subchapter;

23 (6) a nonrefundable application and license fee of  
24 \$140 paid to the department;

25 (7) a handgun proficiency certificate described by  
26 Section 411.189;

27 (8) an affidavit signed by the applicant stating that

1 the applicant:

2 (A) has read and understands each provision of  
3 this subchapter that creates an offense under the laws of this state  
4 and each provision of the laws of this state related to use of  
5 deadly force; and

6 (B) fulfills all the eligibility requirements  
7 listed under Section 411.172; ~~and~~

8 (9) a form executed by the applicant that authorizes  
9 the director to make an inquiry into any noncriminal history  
10 records that are necessary to determine the applicant's eligibility  
11 for a license under Section 411.172(a); and

12 (10) a certificate from a licensed physician whose  
13 primary practice is in the field of psychiatry or from a licensed  
14 psychologist stating that:

15 (A) the physician or psychologist conducted an  
16 interview of the applicant for the purpose of determining whether  
17 the applicant is capable of exercising sound judgment with respect  
18 to the proper use and storage of a handgun; and

19 (B) from the information obtained by the  
20 physician or psychologist during the interview, it appears that the  
21 applicant is not incapable of exercising such sound judgment.

22 SECTION 3. (a) This Act takes effect September 1, 2003.

23 (b) The change in law made by this Act applies only to an  
24 application for issuance or renewal of a handgun proficiency  
25 certificate or a license to carry a concealed handgun submitted on  
26 or after the effective date of this Act. An application submitted  
27 before the effective date of this Act is covered by the law in

1 effect when the application was submitted and the former law is  
2 continued in effect for that purpose.