

By: Taylor, et al. (Senate Sponsor - Janek) H.B. No. 1704
(In the Senate - Received from the House May 9, 2003;
May 13, 2003, read first time and referred to Committee on Criminal
Justice; May 21, 2003, reported favorably by the following vote:
Yeas 6, Nays 0; May 21, 2003, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to certain eligibility requirements for a license to carry
a concealed handgun.

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

SECTION 1. Section 411.172(b), Government Code, is amended
to read as follows:

(b) For the purposes of this section, an offense under the
laws of this state, another state, or the United States is:

(1) a felony if the offense, at the time of a person's
application for a license to carry a concealed handgun:

(A) is ~~so~~ designated by a law of this state as a
felony;

(B) contains all the elements of an offense
designated by a law of this state as a felony; or

(C) is punishable by ~~or if~~ confinement for one
year or more in a penitentiary ~~[is affixed to the offense as a
possible punishment]~~; and

(2) a Class A misdemeanor if the offense is not a
felony and confinement in a jail other than a state jail felony
facility is affixed as a possible punishment.

SECTION 2. Section 411.173, Government Code, is amended by
amending Subsection (a) and adding Subsection (a-1) to read as
follows:

(a) The department by rule shall establish a procedure for a
person ~~[who is a legal resident of a state that does not provide for
the issuance of a license to carry a concealed handgun and]~~ who
meets the eligibility requirements of this subchapter other than
the residency requirement established by Section 411.172(a)(1) to
obtain a license under this subchapter if the person is a legal
resident of a state that does not provide for the issuance of a
license to carry a concealed handgun or if the person relocates to
this state with the intent to establish residency in this state.
The procedure must include payment of a fee in an amount sufficient
to recover the average cost to the department of obtaining a
criminal history record check and investigation on a nonresident
applicant.

(a-1) If a state whose residents may obtain a license under
this subchapter by following the procedure established under
Subsection (a) enacts a law providing for the issuance of a license
to carry a concealed handgun, a license issued under this
subchapter to a resident of that state:

(1) remains in effect until the license expires under
Section 411.183; and

(2) may be renewed under Section 411.185 unless the
department negotiates an agreement with that state under Subsection
(b).

SECTION 3. This Act takes effect September 1, 2003.

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