

By: Estes

S.B. No. 1406

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the issuance of concealed handgun licenses to residents
3 of certain other states and to reciprocity agreements with other
4 states concerning concealed handgun licenses.

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

6 SECTION 1. Section 411.173, Government Code, is amended to
7 read as follows:

8 Sec. 411.173. NONRESIDENT LICENSE. (a) The department by
9 rule shall establish a procedure for a person who is a legal
10 resident of a state that does not provide for the issuance of a
11 license to carry a concealed handgun and who meets the eligibility
12 requirements of this subchapter other than the residency
13 requirement established by Section 411.172(a)(1) to obtain a
14 license under this subchapter. The procedure must include payment
15 of a fee in an amount sufficient to recover the average cost to the
16 department of obtaining a criminal history record check and
17 investigation on a nonresident applicant. If a state whose
18 residents previously qualified under this subsection for a
19 nonresident license subsequently enacts a law providing for the
20 issuance of a license to carry a concealed handgun, a nonresident
21 license issued to a resident of that state:

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

24 (2) may be renewed under Section 411.185 until the time a license

1 issued by the other state is recognized by this state under
2 Subsection (b).

3 (b) The governor [~~department~~] shall issue a proclamation or
4 sign an agreement recognizing [~~negotiate an agreement with any~~
5 ~~other state that provides for the issuance of~~] a license to carry a
6 concealed handgun [~~under which a license~~] issued by another [~~the~~
7 ~~other~~] state [~~is recognized in this state~~] if the department
8 determines that [~~+~~]

9 [~~(1)~~] a [~~the eligibility requirements imposed by the~~
10 ~~other state include~~] background check of permit applicants is
11 conducted by state or local authorities or an agent of the state or
12 local authorities prior to the issuance of a permit to determine the
13 applicants' eligibility to possess a firearm under federal law.
14 [~~requirements that meet or exceed background check requirements~~
15 ~~imposed by federal law as a condition of receiving a handgun, and~~]

16 [~~(2) the other state recognizes a license issued in~~
17 ~~this state.~~]

18 (c) The department shall:

19 (1) issue a report annually to the governor,
20 lieutenant governor and the speaker of the house listing the states
21 the department has determined qualify for recognition under this
22 section within the previous calendar year; and

23 (2) annually review the statutes of states that have
24 not qualified for recognition to determine if any subsequent
25 changes to their law would result in qualification for recognition
26 under this section.

27 SECTION 2. (a) This Act takes effect September 1, 2003.

1 (b) Not later than January 1 of each year, the department
2 shall submit the report required under Section 411.173(d),
3 Government Code, as added by this Act, for the preceding calendar
4 year. The first report is due on January 1, 2005.