

1-1 By: Estes S.B. No. 1406
1-2 (In the Senate - Filed March 13, 2003; March 20, 2003, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 May 9, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; May 9, 2003, sent
1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1406 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the issuance of concealed handgun licenses to residents
1-11 of certain other states and to reciprocity agreements with other
1-12 states concerning concealed handgun licenses.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 411.173, Government Code, is amended to
1-15 read as follows:

1-16 Sec. 411.173. NONRESIDENT LICENSE. (a) The department by
1-17 rule shall establish a procedure for a person who is a legal
1-18 resident of a state that does not provide for the issuance of a
1-19 license to carry a concealed handgun and who meets the eligibility
1-20 requirements of this subchapter other than the residency
1-21 requirement established by Section 411.172(a)(1) to obtain a
1-22 license under this subchapter. The procedure must include payment
1-23 of a fee in an amount sufficient to recover the average cost to the
1-24 department of obtaining a criminal history record check and
1-25 investigation on a nonresident applicant. If a state whose
1-26 residents may obtain a license under this subsection enacts a law
1-27 providing for the issuance of a license to carry a concealed
1-28 handgun, a license issued to a resident of that state:

1-29 (1) remains in effect until the license expires under
1-30 Section 411.183; and

1-31 (2) may be renewed under Section 411.185 until the
1-32 time a license issued by the other state is recognized by this state
1-33 under Subsection (b).

1-34 (b) The governor [department] shall negotiate an agreement
1-35 with any other state that provides for the issuance of a license to
1-36 carry a concealed handgun under which a license issued by the other
1-37 state is recognized in this state or shall issue a proclamation that
1-38 a license issued by the other state is recognized in this state if
1-39 the Attorney General of Texas [department] determines that [+

1-40 (1)] a [the eligibility requirements imposed by the
1-41 other state include] background check of each applicant for a
1-42 license issued by that state is conducted by state or local
1-43 authorities or an agent of the state or local authorities before the
1-44 license is issued to determine the applicants' eligibility to
1-45 possess a firearm under federal law [requirements that meet or
1-46 exceed background check requirements imposed by federal law as a
1-47 condition of receiving a handgun; and

1-48 (2) the other state recognizes a license issued in
1-49 this state].

1-50 (c) The attorney general shall annually:

1-51 (1) submit a report to the governor, lieutenant
1-52 governor, and speaker of the house of representatives listing the
1-53 states the attorney general has determined qualify for recognition
1-54 under Subsection (b); and

1-55 (2) review the statutes of states that the attorney
1-56 general has determined do not qualify for recognition under
1-57 Subsection (b) to determine the changes to their statutes that are
1-58 necessary to qualify for recognition under that subsection.

1-59 (d) The attorney general shall submit the report required by
1-60 Subsection (c)(1) not later than January 1 of each calendar year.

1-61 SECTION 2. (a) This Act takes effect September 1, 2003.

1-62 (b) The attorney general shall submit the first report
1-63 required by Subdivision (1), Subsection (c), Section 411.173,

2-1 Government Code, as added by this Act, not later than January 1,
2-2 2005.

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