

BILL ANALYSIS

C.S.H.B. 685

By: Rose
Defense Affairs & State-Federal Relations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, to obtain or renew a license to carry a concealed handgun an applicant must submit to the Department of Public Safety (DPS) a Handgun Proficiency Certificate as described in the Government Code. An applicant, including any military personnel who is currently serving or is honorably discharged from the Army, Navy, Air Force or Marine Corps of the United States or an auxiliary service of one of those branches of the armed forces must successfully complete both classroom and range instruction to receive a Handgun Proficiency Certificate. This is at times duplicative with similar handgun proficiency qualifications required for military service.

As proposed, CSHB 685 exempts qualified military personnel from the range instruction required to obtain or renew a concealed handgun license.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Director of the Department of Public Safety in SECTION 1, Subsection (b) of this bill.

ANALYSIS

SECTION 1 of the bill exempts a person who is currently serving in or is honorably discharged from: the army, navy, air force, coast guard, or marine corps of the United States, or an auxiliary service or reserve unit of one of those branches, or the state military forces, from the range instruction portion of a handgun proficiency course for the purpose of obtaining or renewing a concealed handgun license if they have within the five years before the application for an original or renewed license, completed a course of training in handgun proficiency or familiarization as part of the person's service in the armed forces.

This SECTION also requires the Director of the Department of Public Safety, by rule, to adopt a procedure to allow the qualified applicant to submit a form to demonstrate that the person meets the requirements of the code to be exempt from the range instruction.

EFFECTIVE DATE

This act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original by allowing qualified armed forces personnel to be exempt from the range instruction required for a concealed handgun license not only at the point of renewal of the license, but also when the person originally applies for a license. It also adds members of the reserves and state military forces to those who may be exempt.