

By: Hegar, Driver, Pena, Homer, Flynn,
et al.

H.B. No. 1066

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of concealed handgun licenses to residents of other states and to reciprocity agreements with other states concerning concealed handgun licenses.

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

SECTION 1. Section 411.173(a), Government Code, as amended by Chapters 255 and 752, Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended to read as follows:

(a) The department by rule shall establish a procedure for a person 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 another [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 license issued in accordance with the procedure established under this subsection [~~If a state whose residents may obtain a license under this subsection enacts a law providing for the issuance of a license to carry a concealed handgun, a license issued to a resident of that state~~]:

(1) remains in effect until the license expires under

1 Section 411.183; and

2 (2) may be renewed under Section 411.185 [~~until the~~
3 ~~time a license issued by the other state is recognized by this state~~
4 ~~under Subsection (b)].~~

5 SECTION 2. Section 411.173(b), Government Code, is amended
6 to read as follows:

7 (b) The governor shall negotiate an agreement with any other
8 state that provides for the issuance of a license to carry a
9 concealed handgun under which a license issued by the other state is
10 recognized in this state or shall issue a proclamation that a
11 license issued by the other state is recognized in this state if the
12 attorney general of the State of Texas determines that a background
13 check of each applicant for a license issued by that state is
14 initiated [~~conducted~~] by state or local authorities or an agent of
15 the state or local authorities before the license is issued [~~to~~
16 ~~determine the applicants' eligibility to possess a firearm under~~
17 ~~federal law~~]. For purposes of this subsection, "background check"
18 means a search of the National Crime Information Center database
19 and the Interstate Identification Index maintained by the Federal
20 Bureau of Investigation.

21 SECTION 3. Section 411.173(a-1), Government Code, is
22 repealed.

23 SECTION 4. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2005.