

By: Seliger

S.B. No. 745

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of persons convicted of certain offenses to possess or carry certain firearms.

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

SECTION 1. Subdivision (4), Section 411.171, Government Code, is amended to read as follows:

(4) "Convicted" means an adjudication of guilt or, except as provided in Section 411.1711, an order of deferred adjudication entered against a person by a court of competent jurisdiction whether or not the imposition of the sentence is subsequently probated and the person is discharged from community supervision. The term does not include an adjudication of guilt or an order of deferred adjudication that has been subsequently:

(A) expunged; ~~[or]~~

(B) pardoned under the authority of a state or federal official; or

(C) otherwise vacated, set aside, annulled, invalidated, discharged, voided, or sealed under any state or federal law.

SECTION 2. Section 411.172, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) 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 (1) except as provided by Subsection (b-1), a felony
2 if ~~[the offense]~~, at the time it is committed, the offense ~~[of a~~
3 ~~person's application for a license to carry a concealed handgun]~~:

4 (A) is designated by a law of this state as a
5 felony;

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

8 (C) is punishable by confinement for one year or
9 more in a penitentiary; and

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

13 **(b-1) An offense is not considered a felony for purposes of**
14 **Subsection (b)(1) if, at the time of a person's application for a**
15 **license to carry a concealed handgun, the offense:**

16 **(1) is designated by a law of this state as a**
17 **misdemeanor; or**

18 **(2) does not contain all the elements of any offense**
19 **designated by a law of this state as a felony.**

20 SECTION 3. Section 46.04, Penal Code, is amended by
21 amending Subsection (d) and adding Subsections (f) and (g) to read
22 as follows:

23 (d) In this section:

24 **(1) "Convicted" has the meaning assigned by Section**
25 **411.171, Government Code.**

26 **(2) "Family,"**~~[**"family,"**]~~ "household," and "member
27 of a household" have the meanings assigned by Chapter 71, Family

Code.

(f) For the purposes of this section, an offense under the laws of this state, another state, or the United States is, except as provided by Subsection (g), a felony if, at the time it is committed, the offense:

(1) is designated by a law of this state as a felony;

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

(3) is punishable by confinement for one year or more in a penitentiary.

(g) An offense is not considered a felony for purposes of Subsection (f) if, at the time the person possesses a firearm, the offense:

(1) is designated by a law of this state as a misdemeanor; or

(2) does not contain all the elements of any offense designated by a law of this state as a felony.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.