

1-1 By: Seliger S.B. No. 745  
1-2 (In the Senate - Filed February 19, 2007; March 6, 2007,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 20, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 20, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 745 By: Seliger

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

1-10 relating to the eligibility of persons convicted of certain  
1-11 offenses to possess or carry certain firearms.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subdivision (4), Section 411.171, Government  
1-14 Code, is amended to read as follows:

1-15 (4) "Convicted" means an adjudication of guilt or,  
1-16 except as provided in Section 411.1711, an order of deferred  
1-17 adjudication entered against a person by a court of competent  
1-18 jurisdiction whether or not the imposition of the sentence is  
1-19 subsequently probated and the person is discharged from community  
1-20 supervision. The term does not include an adjudication of guilt or  
1-21 an order of deferred adjudication that has been subsequently:

1-22 (A) expunged; ~~or~~

1-23 (B) pardoned under the authority of a state or  
1-24 federal official; or

1-25 (C) otherwise vacated, set aside, annulled,  
1-26 invalidated, discharged, voided, or sealed under any state or  
1-27 federal law.

1-28 SECTION 2. Section 411.172, Government Code, is amended by  
1-29 amending Subsection (b) and adding Subsection (b-1) to read as  
1-30 follows:

1-31 (b) For the purposes of this section, an offense under the  
1-32 laws of this state, another state, or the United States is:

1-33 (1) except as provided by Subsection (b-1), a felony  
1-34 if [the offense], at the time it is committed, the offense [of a  
1-35 person's application for a license to carry a concealed handgun]:

1-36 (A) is designated by a law of this state as a  
1-37 felony;

1-38 (B) contains all the elements of an offense  
1-39 designated by a law of this state as a felony; or

1-40 (C) is punishable by confinement for one year or  
1-41 more in a penitentiary; and

1-42 (2) a Class A misdemeanor if the offense is not a  
1-43 felony and confinement in a jail other than a state jail felony  
1-44 facility is affixed as a possible punishment.

1-45 (b-1) An offense is not considered a felony for purposes of  
1-46 Subsection (b)(1) if, at the time of a person's application for a  
1-47 license to carry a concealed handgun, the offense:

1-48 (1) is designated by a law of this state as a  
1-49 misdemeanor; or

1-50 (2) does not contain all the elements of any offense  
1-51 designated by a law of this state as a felony.

1-52 SECTION 3. Section 46.04, Penal Code, is amended by  
1-53 amending Subsection (d) and adding Subsections (f) and (g) to read  
1-54 as follows:

1-55 (d) In this section:

1-56 (1) "Convicted" has the meaning assigned by Section  
1-57 411.171, Government Code.

1-58 (2) "Family," ~~["family,"]~~ "household," and "member  
1-59 of a household" have the meanings assigned by Chapter 71, Family  
1-60 Code.

1-61 (f) For the purposes of this section, an offense under the  
1-62 laws of this state, another state, or the United States is, except  
1-63 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.

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