

BILL ANALYSIS

H.B. 410
By: Isett
Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 80th Legislature, Regular Session, 2007, enacted H.B. 1815 to make it legal for a person to carry a handgun, club, or certain knives on the person's own premise or premises under the person's control or inside of, or en route to, a motor vehicle under the person's control while in accordance with all other laws. While it is now legal to carry a handgun in a person's motor vehicle, a concealed handgun license holder, while carrying a weapon, still by law must present his or her license when asked for identification by a law enforcement officer, which is an additional legal obligation compared to other Texans, such as hunters, who carry firearms in their vehicles.

H.B. 410 lifts the legal obligation of a concealed handgun license holder to display the license holder's handgun license in addition to the license holder's driver's license or identification certificate when a magistrate or a peace officer demands that the license holder display identification.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 410 repeals a provision of the Government Code that requires a concealed handgun license holder to display the license holder's driver's license or identification certificate issued by the Department of Public Safety and the license holder's handgun license if the license holder is carrying a handgun on or about the license holder's person when a magistrate or a peace officer demands that the license holder display identification and that provides a penalty for failure or refusal to display the required identification. The bill makes conforming changes to reflect the repeal. The bill prohibits the prosecution of an offense of failure or refusal to display the required identification to a magistrate or peace officer after the effective date of the bill and provides that if a criminal action is pending for such an offense on the effective date of the bill, the action is dismissed on that date. The bill clarifies that a final conviction for such an offense that exists on the effective date of the bill is unaffected by the bill's provisions.

H.B. 410 repeals Section 411.205, Government Code.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.