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H.B. No. 140

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the use or display under certain circumstances of an
3 expired license to carry a concealed handgun.

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

5 SECTION 1. Section 46.15(b), Penal Code, as amended by
6 Chapters 647 (H.B. 964), 693 (H.B. 1815), and 1048 (H.B. 2101), Acts
7 of the 80th Legislature, Regular Session, 2007, is reenacted to
8 read as follows:

9 (b) Section 46.02 does not apply to a person who:

10 (1) is in the actual discharge of official duties as a
11 member of the armed forces or state military forces as defined by
12 Section 431.001, Government Code, or as a guard employed by a penal
13 institution;

14 (2) is traveling;

15 (3) is engaging in lawful hunting, fishing, or other
16 sporting activity on the immediate premises where the activity is
17 conducted, or is en route between the premises and the actor's
18 residence or motor vehicle, if the weapon is a type commonly used in
19 the activity;

20 (4) holds a security officer commission issued by the
21 Texas Private Security Board, if the person:

22 (A) is engaged in the performance of the person's
23 duties as an officer commissioned under Chapter 1702, Occupations
24 Code, or is traveling to or from the person's place of assignment;

1 and

2 (B) is either:

3 (i) wearing the officer's uniform and
4 carrying the officer's weapon in plain view; or

5 (ii) acting as a personal protection
6 officer and carrying the person's security officer commission and
7 personal protection officer authorization;

8 (5) is carrying a concealed handgun and a valid
9 license issued under Subchapter H, Chapter 411, Government Code, to
10 carry a concealed handgun of the same category as the handgun the
11 person is carrying;

12 (6) holds an alcoholic beverage permit or license or
13 is an employee of a holder of an alcoholic beverage permit or
14 license if the person is supervising the operation of the permitted
15 or licensed premises; or

16 (7) is a student in a law enforcement class engaging in
17 an activity required as part of the class, if the weapon is a type
18 commonly used in the activity and the person is:

19 (A) on the immediate premises where the activity
20 is conducted; or

21 (B) en route between those premises and the
22 person's residence and is carrying the weapon unloaded.

23 SECTION 2. Section 46.15, Penal Code, is amended by adding
24 Subsection (g) to read as follows:

25 (g) For purposes of Subsection (b)(5), a valid license
26 includes an expired license if, before the expiration date of the
27 license, the license holder submitted an application for renewal of

1 the license to the Department of Public Safety in accordance with
2 Section 411.185, Government Code, and has not received notice that
3 the application for renewal was denied.

4 SECTION 3. Section 411.205(a), Government Code, is amended
5 to read as follows:

6 (a) If a license holder is carrying a handgun on or about the
7 license holder's person when a magistrate or a peace officer
8 demands that the license holder display identification, the license
9 holder shall display both the license holder's driver's license or
10 identification certificate issued by the department and the license
11 holder's handgun license, including any expired license that
12 remains in the person's possession. A person who fails or refuses
13 to display the person's [~~license and~~] identification and handgun
14 license as required by this subsection is subject to suspension of
15 the person's license as provided by Section 411.187 or, if the
16 license is expired, a refusal to renew the person's license for the
17 applicable period of suspension provided by that section.

18 SECTION 4. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2009.