

1-1 By: Gonzalez Toureilles, et al. H.B. No. 140
1-2 (Senate Sponsor - Hinojosa)
1-3 (In the Senate - Received from the House May 4, 2009;
1-4 May 6, 2009, read first time and referred to Committee on Criminal
1-5 Justice; May 22, 2009, reported favorably by the following vote:
1-6 Yeas 6, Nays 0; May 22, 2009, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the use or display under certain circumstances of an
1-10 expired license to carry a concealed handgun.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 46.15(b), Penal Code, as amended by
1-13 Chapters 647 (H.B. 964), 693 (H.B. 1815), and 1048 (H.B. 2101), Acts
1-14 of the 80th Legislature, Regular Session, 2007, is reenacted to
1-15 read as follows:

1-16 (b) Section 46.02 does not apply to a person who:

1-17 (1) is in the actual discharge of official duties as a
1-18 member of the armed forces or state military forces as defined by
1-19 Section 431.001, Government Code, or as a guard employed by a penal
1-20 institution;

1-21 (2) is traveling;

1-22 (3) is engaging in lawful hunting, fishing, or other
1-23 sporting activity on the immediate premises where the activity is
1-24 conducted, or is en route between the premises and the actor's
1-25 residence or motor vehicle, if the weapon is a type commonly used in
1-26 the activity;

1-27 (4) holds a security officer commission issued by the
1-28 Texas Private Security Board, if the person:

1-29 (A) is engaged in the performance of the person's
1-30 duties as an officer commissioned under Chapter 1702, Occupations
1-31 Code, or is traveling to or from the person's place of assignment;
1-32 and

1-33 (B) is either:

1-34 (i) wearing the officer's uniform and
1-35 carrying the officer's weapon in plain view; or

1-36 (ii) acting as a personal protection
1-37 officer and carrying the person's security officer commission and
1-38 personal protection officer authorization;

1-39 (5) is carrying a concealed handgun and a valid
1-40 license issued under Subchapter H, Chapter 411, Government Code, to
1-41 carry a concealed handgun of the same category as the handgun the
1-42 person is carrying;

1-43 (6) holds an alcoholic beverage permit or license or
1-44 is an employee of a holder of an alcoholic beverage permit or
1-45 license if the person is supervising the operation of the permitted
1-46 or licensed premises; or

1-47 (7) is a student in a law enforcement class engaging in
1-48 an activity required as part of the class, if the weapon is a type
1-49 commonly used in the activity and the person is:

1-50 (A) on the immediate premises where the activity
1-51 is conducted; or

1-52 (B) en route between those premises and the
1-53 person's residence and is carrying the weapon unloaded.

1-54 SECTION 2. Section 46.15, Penal Code, is amended by adding
1-55 Subsection (g) to read as follows:

1-56 (g) For purposes of Subsection (b)(5), a valid license
1-57 includes an expired license if, before the expiration date of the
1-58 license, the license holder submitted an application for renewal of
1-59 the license to the Department of Public Safety in accordance with
1-60 Section 411.185, Government Code, and has not received notice that
1-61 the application for renewal was denied.

1-62 SECTION 3. Section 411.205(a), Government Code, is amended
1-63 to read as follows:

1-64 (a) If a license holder is carrying a handgun on or about the

2-1 license holder's person when a magistrate or a peace officer
2-2 demands that the license holder display identification, the license
2-3 holder shall display both the license holder's driver's license or
2-4 identification certificate issued by the department and the license
2-5 holder's handgun license, including any expired license that
2-6 remains in the person's possession. A person who fails or refuses
2-7 to display the person's [license and] identification and handgun
2-8 license as required by this subsection is subject to suspension of
2-9 the person's license as provided by Section 411.187 or, if the
2-10 license is expired, a refusal to renew the person's license for the
2-11 applicable period of suspension provided by that section.

2-12 SECTION 4. This Act takes effect immediately if it receives
2-13 a vote of two-thirds of all the members elected to each house, as
2-14 provided by Section 39, Article III, Texas Constitution. If this
2-15 Act does not receive the vote necessary for immediate effect, this
2-16 Act takes effect September 1, 2009.

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