

By: Isett, Homer, Legler, Eiland,
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H.B. No. 410

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the requirement under certain circumstances that a
3 license holder display the person's license to carry a concealed
4 handgun.

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

6 SECTION 1. Section 411.205, Government Code, is repealed.

7 SECTION 2. Sections 411.187(a) and (c), Government Code,
8 are amended to read as follows:

9 (a) A license may be suspended under this section if the
10 license holder:

11 (1) is charged with the commission of a Class A or
12 Class B misdemeanor or an offense under Section 42.01, Penal Code,
13 or of a felony under an information or indictment;

14 (2) ~~[fails to display a license as required by Section~~
15 ~~411.205,~~

16 ~~(3)]~~ fails to notify the department of a change of
17 address or name as required by Section 411.181;

18 (3) ~~[(4)]~~ carries a concealed handgun under the
19 authority of this subchapter of a different category than the
20 license holder is licensed to carry;

21 (4) ~~[(5)]~~ fails to return a previously issued license
22 after a license is modified as required by Section 411.184(d);

23 (5) ~~[(6)]~~ commits an act of family violence and is the
24 subject of an active protective order rendered under Title 4,

1 Family Code; or

2 (6) [~~(7)~~] is arrested for an offense involving family
3 violence or an offense under Section 42.072, Penal Code, and is the
4 subject of an order for emergency protection issued under Article
5 17.292, Code of Criminal Procedure.

6 (c) A license may be suspended under this section:

7 (1) for 30 days, if the person's license is subject to
8 suspension for a reason listed in Subsection (a)(2), (3) [~~(a)(3)~~],
9 or (4), [~~or (5)~~], except as provided by Subdivision (2) [~~(3)~~];

10 (2) [~~for 90 days, if the person's license is subject to~~
11 ~~suspension for a reason listed in Subsection (a)(2), except as~~
12 ~~provided by Subdivision (3)~~];

13 [~~(3)~~] for not less than one year and not more than three
14 years if the person's license is subject to suspension for a reason
15 listed in Subsection (a), other than the reason listed in
16 Subsection (a)(1), and the person's license has been previously
17 suspended for the same reason;

18 (3) [~~(4)~~] until dismissal of the charges if the
19 person's license is subject to suspension for the reason listed in
20 Subsection (a)(1); or

21 (4) [~~(5)~~] for the duration of or the period specified
22 by:

23 (A) the protective order issued under Title 4,
24 Family Code, if the person's license is subject to suspension for
25 the reason listed in Subsection (a)(5) [~~(a)(6)~~]; or

26 (B) the order for emergency protection issued
27 under Article 17.292, Code of Criminal Procedure, if the person's

1 license is subject to suspension for the reason listed in
2 Subsection (a)(6) [~~(a)(7)~~].

3 SECTION 3. Subchapter H, Chapter 411, Government Code, is
4 amended by adding Section 411.2055 to read as follows:

5 Sec. 411.2055. LIMITATION ON PROVISION OF LICENSING
6 INFORMATION TO PEACE OFFICER. The department by rule shall
7 establish a procedure by which a peace officer who provides the
8 department with a person's driver's license number, personal
9 identification certificate number, or vehicle license plate number
10 as part of a motor vehicle stop or other law enforcement inquiry is
11 prohibited from receiving information from the department as to
12 whether the person is the holder of a license issued under this
13 subchapter unless the officer indicates that information is
14 necessary for proper law enforcement purposes related to the
15 person's possession or carrying of a handgun.

16 SECTION 4. As soon as practicable after the effective date
17 of this Act, the Department of Public Safety shall establish the
18 procedure required by Section 411.2055, Government Code, as added
19 by this Act.

20 SECTION 5. An offense under Section 411.205, Government
21 Code, may not be prosecuted after the effective date of this Act.
22 If, on the effective date of this Act, a criminal action is pending
23 for an offense under Section 411.205, the action is dismissed on
24 that date. However, a final conviction for an offense under Section
25 411.205 that exists on the effective date of this Act is unaffected
26 by this Act.

27 SECTION 6. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2009.