

By: Hinojosa

S.B. No. 838

A BILL TO BE ENTITLED

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

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

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 Section 411.205, Government Code, is repealed.

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

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

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

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

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

17 (3) ~~[(4)]~~ carries a concealed handgun under the  
18 authority of this subchapter of a different category than the  
19 license holder is licensed to carry;

20 (4) ~~[(5)]~~ fails to return a previously issued license  
21 after a license is modified as required by Section 411.184(d);

22 (5) ~~[(6)]~~ commits an act of family violence and is the  
23 subject of an active protective order rendered under Title 4,  
24 Family Code; or

1           (6) [~~(7)~~] is arrested for an offense involving family  
2 violence or an offense under Section 42.072, Penal Code, and is the  
3 subject of an order for emergency protection issued under Article  
4 17.292, Code of Criminal Procedure.

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

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

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

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

17           (3) [~~(4)~~] until dismissal of the charges if the  
18 person's license is subject to suspension for the reason listed in  
19 Subsection (a)(1); or

20           (4) [~~(5)~~] for the duration of or the period specified  
21 by:

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

25           (B) the order for emergency protection issued  
26 under Article 17.292, Code of Criminal Procedure, if the person's  
27 license is subject to suspension for the reason listed in

1 Subsection (a)(6) [~~(a)(7)~~].

2           SECTION 3. An offense under Section 411.205, Government  
3 Code, may not be prosecuted after the effective date of this Act.  
4 If, on the effective date of this Act, a criminal action is pending  
5 for an offense under Section 411.205, the action is dismissed on  
6 that date. However, a final conviction for an offense under Section  
7 411.205 that exists on the effective date of this Act is unaffected  
8 by this Act.

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