

By: Seliger

S.B. No. 1424

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a person's eligibility to possess or carry a concealed
3 handgun or other firearm.

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

5 SECTION 1. Subdivision (4), Section 411.171, Government
6 Code, is amended to read as follows:

7 (4) "Convicted" means an adjudication of guilt or,
8 except as provided in Section 411.1711, an order of deferred
9 adjudication entered against a person by a court of competent
10 jurisdiction whether or not the imposition of the sentence is
11 subsequently probated and the person is discharged from community
12 supervision. The term does not include an adjudication of guilt or
13 an order of deferred adjudication that has been subsequently:

14 (A) expunged; ~~or~~

15 (B) pardoned under the authority of a state or
16 federal official; or

17 (C) otherwise vacated, set aside, annulled,
18 invalidated, voided, or sealed under any state or federal law.

19 SECTION 2. Section 411.172, Government Code, is amended by
20 amending Subsection (b) and adding Subsection (b-1) to read as
21 follows:

22 (b) For the purposes of this section, an offense under the
23 laws of this state, another state, or the United States is:

24 (1) except as provided by Subsection (b-1), a felony

1 if [~~the offense~~], at the time it is committed, the offense [~~of a~~
2 ~~person's application for a license to carry a concealed handgun~~]:

3 (A) is designated by a law of this state as a
4 felony;

5 (B) contains all the elements of an offense
6 designated by a law of this state as a felony; or

7 (C) is punishable by confinement for one year or
8 more in a penitentiary; and

9 (2) a Class A misdemeanor if the offense is not a
10 felony and confinement in a jail other than a state jail felony
11 facility is affixed as a possible punishment.

12 (b-1) An offense is not considered a felony for purposes of
13 Subsection (b)(1) if, at the time of a person's application for a
14 license to carry a concealed handgun, the offense:

15 (1) is designated by a law of this state as a
16 misdemeanor; or

17 (2) does not contain all the elements of any offense
18 designated by a law of this state as a felony.

19 SECTION 3. Section 46.04, Penal Code, is amended by adding
20 Subsections (f) and (g) to read as follows:

21 (f) For the purposes of this section, an offense under the
22 laws of this state, another state, or the United States is, except
23 as provided by Subsection (g), a felony if, at the time it is
24 committed, the offense:

25 (1) is designated by a law of this state as a felony;

26 (2) contains all the elements of an offense designated
27 by a law of this state as a felony; or

1 (3) is punishable by confinement for one year or more
2 in a penitentiary.

3 (g) An offense is not considered a felony for purposes of
4 Subsection (f) if, at the time the person possesses a firearm, the
5 offense:

6 (1) is designated by a law of this state as a
7 misdemeanor; or

8 (2) does not contain all the elements of any offense
9 designated by a law of this state as a felony.

10 SECTION 4. The changes in law made by this Act in amending
11 Sections 411.171 and 411.172, Government Code, apply only to the
12 eligibility of a person for the issuance, modification, or renewal
13 of a license, the application for which is made on or after the
14 effective date of this Act. A holder of a license that was issued,
15 modified, or renewed before the effective date of this Act is not
16 disqualified from holding that license solely by reason of this
17 Act.

18 SECTION 5. The change in law made by this Act in amending
19 Section 46.04, Penal Code, applies only to an offense committed on
20 or after the effective date of this Act. An offense committed
21 before the effective date of this Act is covered by the law in
22 effect when the offense was committed, and the former law is
23 continued in effect for that purpose. For purposes of this section,
24 an offense was committed before the effective date of this Act if
25 any element of the offense occurred before that date.

26 SECTION 6. This Act takes effect September 1, 2009.