

By: Seliger

S.B. No. 1424

A BILL TO BE ENTITLED

AN ACT

relating to a person's eligibility to possess or carry a concealed handgun or other firearm.

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

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

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

(A) expunged; ~~[or]~~

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

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

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

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

(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
20 amending Subsection (d) and adding Subsections (f) and (g) to read
21 as follows:

22 (d) In this section:

23 (1) "Convicted" has the meaning assigned by Section
24 411.171, Government Code.

25 (2) "Family," [~~"family,"~~] "household," and "member
26 of a household" have the meanings assigned by Chapter 71, Family
27 Code.

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

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

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

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

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

13 (1) is designated by a law of this state as a
14 misdemeanor; or

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

17 SECTION 4. This Act applies only to an offense committed on
18 or after the effective date of this Act. An offense committed
19 before the effective date of this Act is covered by the law in
20 effect when the offense was committed, and the former law is
21 continued in effect for that purpose. For purposes of this section,
22 an offense was committed before the effective date of this Act if
23 any element of the offense occurred before that date.

24 SECTION 5. This Act takes effect September 1, 2009.