

1-1 By: Seliger S.B. No. 1424
1-2 (In the Senate - Filed March 6, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 14, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 14, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1424 By: Seliger

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to a person's eligibility to possess or carry a concealed
1-11 handgun or other firearm.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subdivision (4), Section 411.171, Government
1-14 Code, is amended to read as follows:

1-15 (4) "Convicted" means an adjudication of guilt or,
1-16 except as provided in Section 411.1711, an order of deferred
1-17 adjudication entered against a person by a court of competent
1-18 jurisdiction whether or not the imposition of the sentence is
1-19 subsequently probated and the person is discharged from community
1-20 supervision. The term does not include an adjudication of guilt or
1-21 an order of deferred adjudication that has been subsequently:

1-22 (A) expunged; ~~[or]~~

1-23 (B) pardoned under the authority of a state or
1-24 federal official; or

1-25 (C) otherwise vacated, set aside, annulled,
1-26 invalidated, voided, or sealed under any state or federal law.

1-27 SECTION 2. Section 411.172, Government Code, is amended by
1-28 amending Subsection (b) and adding Subsection (b-1) to read as
1-29 follows:

1-30 (b) For the purposes of this section, an offense under the
1-31 laws of this state, another state, or the United States is:

1-32 (1) except as provided by Subsection (b-1), a felony
1-33 if [the offense], at the time it is committed, the offense [of a
1-34 person's application for a license to carry a concealed handgun]:

1-35 (A) is designated by a law of this state as a
1-36 felony;

1-37 (B) contains all the elements of an offense
1-38 designated by a law of this state as a felony; or

1-39 (C) is punishable by confinement for one year or
1-40 more in a penitentiary; and

1-41 (2) a Class A misdemeanor if the offense is not a
1-42 felony and confinement in a jail other than a state jail felony
1-43 facility is affixed as a possible punishment.

1-44 (b-1) An offense is not considered a felony for purposes of
1-45 Subsection (b)(1) if, at the time of a person's application for a
1-46 license to carry a concealed handgun, the offense:

1-47 (1) is designated by a law of this state as a
1-48 misdemeanor; or

1-49 (2) does not contain all the elements of any offense
1-50 designated by a law of this state as a felony.

1-51 SECTION 3. Section 46.04, Penal Code, is amended by adding
1-52 Subsections (f) and (g) to read as follows:

1-53 (f) For the purposes of this section, an offense under the
1-54 laws of this state, another state, or the United States is, except
1-55 as provided by Subsection (g), a felony if, at the time it is
1-56 committed, the offense:

1-57 (1) is designated by a law of this state as a felony;

1-58 (2) contains all the elements of an offense designated
1-59 by a law of this state as a felony; or

1-60 (3) is punishable by confinement for one year or more
1-61 in a penitentiary.

1-62 (g) An offense is not considered a felony for purposes of
1-63 Subsection (f) if, at the time the person possesses a firearm, the

2-1 offense:
 2-2 (1) is designated by a law of this state as a
 2-3 misdemeanor; or
 2-4 (2) does not contain all the elements of any offense
 2-5 designated by a law of this state as a felony.

2-6 SECTION 4. The changes in law made by this Act in amending
 2-7 Sections 411.171 and 411.172, Government Code, apply only to the
 2-8 eligibility of a person for the issuance, modification, or renewal
 2-9 of a license, the application for which is made on or after the
 2-10 effective date of this Act. A holder of a license that was issued,
 2-11 modified, or renewed before the effective date of this Act is not
 2-12 disqualified from holding that license solely by reason of this
 2-13 Act.

2-14 SECTION 5. The change in law made by this Act in amending
 2-15 Section 46.04, Penal Code, applies only to an offense committed on
 2-16 or after the effective date of this Act. An offense committed
 2-17 before the effective date of this Act is covered by the law in
 2-18 effect when the offense was committed, and the former law is
 2-19 continued in effect for that purpose. For purposes of this section,
 2-20 an offense was committed before the effective date of this Act if
 2-21 any element of the offense occurred before that date.

2-22 SECTION 6. This Act takes effect September 1, 2009.

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