

By: Wentworth

S.B. No. 2449

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the administration of certain provisions affecting the
3 licensing of persons to carry a concealed handgun.

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

5 SECTION 1. Section 411.1711, Government Code, is amended to
6 read as follows:

7 Sec. 411.1711. CERTAIN EXEMPTIONS FROM CONVICTIONS. A
8 person is not convicted, as that term is defined by Section 411.171,
9 if an order of deferred adjudication was entered against the person
10 on a date not less than 10 years preceding the date of the person's
11 application for a license under this subchapter unless the order of
12 deferred adjudication was entered against the person for:

13 (1) an offense under:
14 (A) Title 5, Penal Code;
15 (B) [~~7-0~~] Chapter 25 or 29, Penal Code; or
16 (C) Section 30.02, 38.112, 38.17, 42.072,
17 42.091, 42.10, 43.04, 43.05, 43.24(b)(3), 43.25, 43.26, 49.07, or
18 49.08, Penal Code; or

19 (2) an offense under the laws of another state if the
20 offense contains elements that are substantially similar to the
21 elements of an offense listed in Subdivision (1).

22 SECTION 2. Sections 411.172(a), (d), and (e), Government
23 Code, are amended to read as follows:

24 (a) A person is eligible for a license to carry a concealed

1 handgun if the person:

2 (1) is a legal resident of this state for the six-month
3 period preceding the date of application under this subchapter or
4 is otherwise eligible for a license under Section 411.173(a);

5 (2) is at least 21 years of age;

6 (3) has not been convicted of a felony;

7 (4) is not charged with the commission of a Class A or
8 Class B misdemeanor or equivalent offense, or of an offense under
9 Section 42.01, Penal Code, or equivalent offense, or of a felony
10 under an information or indictment;

11 (5) is not a fugitive from justice for a felony or a
12 Class A or Class B misdemeanor or equivalent offense;

13 (6) is not a chemically dependent person;

14 (7) is not incapable of exercising sound judgment with
15 respect to the proper use and storage of a handgun;

16 (8) has not, in the five years preceding the date of
17 application, been convicted of a Class A or Class B misdemeanor or
18 equivalent offense or of an offense under Section 42.01, Penal
19 Code, or equivalent offense;

20 (9) is fully qualified under applicable federal and
21 state law to purchase a handgun;

22 (10) has not been finally determined to be delinquent
23 in making a child support payment administered or collected by the
24 attorney general;

25 (11) has not been finally determined to be delinquent
26 in the payment of a tax or other money collected by the comptroller,
27 the tax collector of a political subdivision of the state, or any

1 agency or subdivision of the state;

2 (12) has not been finally determined to be in default
3 on a loan made under Chapter 57, Education Code;

4 (13) is not currently restricted under a court
5 protective order or subject to a restraining order affecting the
6 spousal relationship, other than a restraining order solely
7 affecting property interests;

8 (14) has not, in the 10 years preceding the date of
9 application, been adjudicated as having engaged in delinquent
10 conduct violating a penal law of the grade of felony; and

11 (15) has not made any material misrepresentation, or
12 failed to disclose any material fact, in an application submitted
13 pursuant to Section 411.174 [~~or in a request for application~~
14 ~~submitted pursuant to Section 411.175~~].

15 (d) For purposes of Subsection (a)(7), a person is incapable
16 of exercising sound judgment with respect to the proper use and
17 storage of a handgun if the person:

18 (1) has been diagnosed by a licensed physician as
19 suffering from a psychiatric disorder or condition that causes or
20 is likely to cause substantial impairment in judgment, mood,
21 perception, impulse control, or intellectual ability;

22 (2) suffers from a psychiatric disorder or condition
23 described by Subdivision (1) that:

24 (A) is in remission but is reasonably likely to
25 redevelop at a future time; or

26 (B) requires continuous medical treatment to
27 avoid redevelopment;

1 (3) has been diagnosed by a licensed physician,
2 determined by a review board or similar authority, or declared by a
3 court to be incompetent to manage the person's own affairs; or

4 (4) has entered in a criminal proceeding a plea of not
5 guilty by reason of insanity.

6 (e) The following constitutes evidence that a person has a
7 psychiatric disorder or condition described by Subsection (d)(1):

8 (1) involuntary psychiatric hospitalization [~~in the~~
9 ~~preceding five-year period~~];

10 (2) psychiatric hospitalization [~~in the preceding~~
11 ~~two-year period~~];

12 (3) inpatient or residential substance abuse
13 treatment in the preceding five-year period;

14 (4) diagnosis in the preceding five-year period by a
15 licensed physician that the person is dependent on alcohol, a
16 controlled substance, or a similar substance; or

17 (5) diagnosis at any time by a licensed physician that
18 the person suffers or has suffered from a psychiatric disorder or
19 condition consisting of or relating to:

20 (A) schizophrenia or delusional disorder;

21 (B) bipolar disorder;

22 (C) chronic dementia, whether caused by illness,
23 brain defect, or brain injury;

24 (D) dissociative identity disorder;

25 (E) intermittent explosive disorder; or

26 (F) antisocial personality disorder.

27 SECTION 3. Sections 411.174(a) and (b), Government Code,

1 are amended to read as follows:

2 (a) An applicant for a license to carry a concealed handgun
3 must submit to the director's designee described by Section
4 411.176:

5 (1) a completed application on a form provided by the
6 department that requires only the information listed in Subsection
7 (b);

8 (2) one or more [~~two recent color passport~~]
9 photographs of the applicant that meet the requirements of the
10 department [~~, except that an applicant who is younger than 21 years~~
11 ~~of age must submit two recent color passport photographs in profile~~
12 ~~of the applicant~~];

13 (3) a certified copy of the applicant's birth
14 certificate or certified proof of age;

15 (4) proof of residency in this state;

16 (5) two complete sets of legible and classifiable
17 fingerprints of the applicant taken by a person appropriately
18 trained in recording fingerprints who is employed by a law
19 enforcement agency or by a private entity designated by a law
20 enforcement agency as an entity qualified to take fingerprints of
21 an applicant for a license under this subchapter;

22 (6) a nonrefundable application and license fee of
23 \$140 paid to the department;

24 (7) evidence of [a] handgun proficiency, in the form
25 and manner required by the department [~~certificate described by~~
26 ~~Section 411.189~~];

27 (8) an affidavit signed by the applicant stating that

1 the applicant:

2 (A) has read and understands each provision of
3 this subchapter that creates an offense under the laws of this state
4 and each provision of the laws of this state related to use of
5 deadly force; and

6 (B) fulfills all the eligibility requirements
7 listed under Section 411.172; and

8 (9) a form executed by the applicant that authorizes
9 the director to make an inquiry into any noncriminal history
10 records that are necessary to determine the applicant's eligibility
11 for a license under Section 411.172(a).

12 (b) An applicant must provide on the application a statement
13 of the applicant's:

14 (1) full name and place and date of birth;

15 (2) race and sex;

16 (3) residence and business addresses for the preceding
17 five years;

18 (4) hair and eye color;

19 (5) height and weight;

20 (6) driver's license number or identification
21 certificate number issued by the department;

22 (7) criminal history record information of the type
23 maintained by the department under this chapter, including a list
24 of offenses for which the applicant was arrested, charged, or under
25 an information or indictment and the disposition of the offenses;
26 and

27 (8) history [~~during the preceding five years~~], if any,

1 of treatment received by, commitment to, or residence in:

2 (A) a drug or alcohol treatment center licensed
3 to provide drug or alcohol treatment under the laws of this state or
4 another state, but only if the treatment, commitment, or residence
5 occurred during the preceding five years; or

6 (B) a psychiatric hospital.

7 SECTION 4. Section 411.176, Government Code, is amended to
8 read as follows:

9 Sec. 411.176. REVIEW OF APPLICATION MATERIALS. (a) On
10 receipt of [~~the~~] application materials by the department at its
11 Austin headquarters, the department shall conduct the appropriate
12 criminal history record check of the applicant through its
13 computerized criminal history system. Not later than the 30th day
14 after the date the department receives the application materials,
15 the department shall forward the materials to the director's
16 designee in the geographical area of the applicant's residence so
17 that the designee may conduct the investigation described by
18 Subsection (b). For purposes of this section, the director's
19 designee may be a noncommissioned employee of the department.

20 (b) The director's designee as needed shall conduct an
21 additional criminal history record check of the applicant and an
22 investigation of the applicant's local official records to verify
23 the accuracy of the application materials. The director's designee
24 may access any records necessary for purposes of this subsection.

25 The scope of the record check and the investigation are at the sole
26 discretion of the department, except that the director's designee
27 shall complete the record check and investigation not later than

1 the 60th day after the date the department receives the application
2 materials. The department shall send a fingerprint card to the
3 Federal Bureau of Investigation for a national criminal history
4 check of the applicant. On completion of the investigation, the
5 director's designee shall return all materials and the result of
6 the investigation to the appropriate division of the department at
7 its Austin headquarters.

8 (c) The director's designee may submit to the appropriate
9 division of the department, at the department's Austin
10 headquarters, along with the application materials a written
11 recommendation for disapproval of the application, accompanied by
12 an affidavit stating personal knowledge or naming persons with
13 personal knowledge of a ground for denial under Section 411.172.
14 The director's designee [~~in the appropriate geographical area~~] may
15 also submit the application and the recommendation that the license
16 be issued.

17 (d) On receipt at the department's Austin headquarters of
18 the application materials and the result of the investigation by
19 the director's designee, the department shall conduct any further
20 record check or investigation the department determines is
21 necessary if a question exists with respect to the accuracy of the
22 application materials or the eligibility of the applicant, except
23 that the department shall complete the record check and
24 investigation not later than the 180th day after the date the
25 department receives the application materials from the applicant.

26 SECTION 5. Sections 411.177(a) and (b), Government Code,
27 are amended to read as follows:

1 (a) The department shall issue a license to carry a
2 concealed handgun to an applicant if the applicant meets all the
3 eligibility requirements and submits all the application
4 materials. The department may issue a license to carry handguns
5 only of the categories for which the applicant has demonstrated
6 proficiency in the form and manner required by the department
7 ~~[indicated on the applicant's certificate of proficiency issued~~
8 ~~under Section 411.189]~~. The department shall administer the
9 licensing procedures in good faith so that any applicant who meets
10 all the eligibility requirements and submits all the application
11 materials shall receive a license. The department may not deny an
12 application on the basis of a capricious or arbitrary decision by
13 the department.

14 (b) The department shall, not later than the 60th day after
15 the date of the receipt by the director's designee of the completed
16 application materials:

17 (1) issue the license;

18 (2) notify the applicant in writing that the
19 application was denied:

20 (A) on the grounds that the applicant failed to
21 qualify under the criteria listed in Section 411.172;

22 (B) based on the affidavit of the director's
23 designee submitted to the department under Section 411.176(c)
24 ~~[411.176(b)]~~; or

25 (C) based on the affidavit of the qualified
26 handgun instructor submitted to the department under Section
27 411.188(j) ~~[411.189(c)]~~; or

1 (3) notify the applicant in writing that the
2 department is unable to make a determination regarding the issuance
3 or denial of a license to the applicant within the 60-day period
4 prescribed by this subsection and include in that notification an
5 explanation of the reason for the inability and an estimation of the
6 amount of time the department will need to make the determination.

7 SECTION 6. Section 411.184(a), Government Code, is amended
8 to read as follows:

9 (a) To modify a license to allow a license holder to carry a
10 handgun of a different category than the license indicates, the
11 license holder must:

12 (1) complete a proficiency examination as provided by
13 Section 411.188(e);

14 ~~[(2) obtain a handgun proficiency certificate under~~
15 ~~Section 411.189 not more than six months before the date of~~
16 ~~application for a modified license,] and~~

17 (2) [(3)] submit to the department:

18 (A) an application for a modified license on a
19 form provided by the department;

20 (B) evidence of [a copy of the] handgun
21 proficiency, in the form and manner required by the department
22 ~~[certificate];~~

23 (C) payment of a modified license fee of \$25; and

24 (D) one or more [two recent color passport]
25 photographs of the license holder that meet the requirements of the
26 department ~~[, except that an applicant who is younger than 21 years~~
27 ~~of age must submit two recent color passport photographs in profile~~

1 ~~of the applicant].~~

2 SECTION 7. Section 411.185(a), Government Code, is amended
3 to read as follows:

4 (a) To renew a license, a license holder must:

5 (1) complete a continuing education course in handgun
6 proficiency under Section 411.188(c) within the six-month period
7 preceding:

8 (A) the date of application for renewal, for a
9 first or second renewal; and

10 (B) the date of application for renewal or the
11 date of application for the preceding renewal, for a third or
12 subsequent renewal, to ensure that the license holder is not
13 required to complete the course more than once in any 10-year
14 period;

15 ~~[(2) obtain a handgun proficiency certificate under~~
16 ~~Section 411.189 within the six-month period preceding:~~

17 ~~[(A) the date of application for renewal, for a~~
18 ~~first or second renewal; and~~

19 ~~[(B) the date of application for renewal or the~~
20 ~~date of application for the preceding renewal, for a third or~~
21 ~~subsequent renewal, to ensure that the license holder is not~~
22 ~~required to obtain the certificate more than once in any 10-year~~
23 ~~period,] and~~

24 (2) [(3)] submit to the department:

25 (A) an application for renewal on a form provided
26 by the department;

27 (B) evidence of ~~[a copy of the]~~ handgun

1 proficiency, in the form and manner required by the department
2 [certificate];

3 (C) payment of a nonrefundable renewal fee as set
4 by the department; and

5 (D) one or more [~~two recent color passport~~]
6 photographs of the applicant that meet the requirements of the
7 department.

8 SECTION 8. Section 411.186(a), Government Code, is amended
9 to read as follows:

10 (a) The department shall revoke a [A] license [~~may be~~
11 ~~revoked~~] under this section if the license holder:

12 (1) was not entitled to the license at the time it was
13 issued;

14 (2) gave false information on the application;

15 (3) subsequently becomes ineligible for a license
16 under Section 411.172, unless the sole basis for the ineligibility
17 is that the license holder is charged with the commission of a Class
18 A or Class B misdemeanor or equivalent offense, or of an offense
19 under Section 42.01, Penal Code, or equivalent offense, or of a
20 felony under an information or indictment;

21 (4) is convicted of an offense under Section 46.035,
22 Penal Code;

23 (5) is determined by the department to have engaged in
24 conduct constituting a reason to suspend a license listed in
25 Section 411.187(a) after the person's license has been previously
26 suspended twice for the same reason; or

27 (6) submits an application fee that is dishonored or

1 reversed.

2 SECTION 9. Sections 411.187(a) and (c), Government Code,
3 are amended to read as follows:

4 (a) The department shall suspend a [A] license [~~may be~~
5 ~~suspended~~] under this section if the license holder:

6 (1) is charged with the commission of a Class A or
7 Class B misdemeanor or equivalent offense, or of an offense under
8 Section 42.01, Penal Code, or equivalent offense, or of a felony
9 under an information or indictment;

10 (2) fails to display a license as required by Section
11 411.205;

12 (3) fails to notify the department of a change of
13 address or name as required by Section 411.181;

14 (4) carries a concealed handgun under the authority of
15 this subchapter of a different category than the license holder is
16 licensed to carry;

17 (5) fails to return a previously issued license after
18 a license is modified as required by Section 411.184(d);

19 (6) commits an act of family violence and is the
20 subject of an active protective order rendered under Title 4,
21 Family Code; or

22 (7) is arrested for an offense involving family
23 violence or an offense under Section 42.072, Penal Code, and is the
24 subject of an order for emergency protection issued under Article
25 17.292, Code of Criminal Procedure.

26 (c) The department shall suspend a [A] license [~~may be~~
27 ~~suspended~~] under this section:

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

4 (2) for 90 days, if the person's license is subject to
5 suspension for a reason listed in Subsection (a)(2), except as
6 provided by Subdivision (3);

7 (3) for not less than one year and not more than three
8 years, if the person's license:

9 (A) is subject to suspension for a reason listed
10 in Subsection (a), other than the reason listed in Subsection
11 (a)(1); ~~and~~

12 (B) ~~[the person's license]~~ has been previously
13 suspended for the same reason;

14 (4) until dismissal of the charges, if the person's
15 license is subject to suspension for the reason listed in
16 Subsection (a)(1); or

17 (5) for the duration of or the period specified by:

18 (A) the protective order issued under Title 4,
19 Family Code, if the person's license is subject to suspension for
20 the reason listed in Subsection (a)(6); or

21 (B) the order for emergency protection issued
22 under Article 17.292, Code of Criminal Procedure, if the person's
23 license is subject to suspension for the reason listed in
24 Subsection (a)(7).

25 SECTION 10. Section 411.188, Government Code, is amended by
26 amending Subsections (a), (g), (h), and (i) and adding Subsection
27 (j) to read as follows:

1 (a) The director by rule shall establish minimum standards
2 for handgun proficiency and shall develop a course to teach handgun
3 proficiency and examinations to measure handgun proficiency. The
4 course to teach handgun proficiency must contain training sessions
5 divided into two parts. One part of the course must be classroom
6 instruction and the other part must be range instruction and an
7 actual demonstration by the applicant of the applicant's ability to
8 safely and proficiently use the applicable category of handgun [~~for~~
9 ~~which the applicant seeks certification~~]. An applicant must be
10 able to demonstrate [~~may not be certified unless the applicant~~
11 ~~demonstrates~~], at a minimum, the degree of proficiency that is
12 required to effectively operate a handgun of .32 caliber or above.
13 The department shall distribute the standards, course
14 requirements, and examinations on request to any qualified handgun
15 instructor.

16 (g) A person who wishes to obtain or renew a license to carry
17 a concealed handgun must apply in person to a qualified handgun
18 instructor to take the appropriate course in handgun proficiency
19 and [~~7~~] demonstrate handgun proficiency as required by the
20 department [~~7~~, ~~and obtain a handgun proficiency certificate as~~
21 ~~described by Section 411.189~~].

22 (h) A license holder who wishes to modify a license to allow
23 the license holder to carry a handgun of a different category than
24 the license indicates must apply in person to a qualified handgun
25 instructor to demonstrate the required knowledge and proficiency
26 [~~to obtain a handgun proficiency certificate~~] in that category [~~as~~
27 ~~described by Section 411.189~~].

1 (i) A certified firearms instructor of the department may
2 monitor any class or training presented by a qualified handgun
3 instructor. A qualified handgun instructor shall cooperate with
4 the department in the department's efforts to monitor the
5 presentation of training by the qualified handgun instructor. A
6 qualified handgun instructor shall make available for inspection to
7 the department any and all records maintained by a qualified
8 handgun instructor under this subchapter. The qualified handgun
9 instructor shall keep a record of all [~~certificates of handgun~~
10 ~~proficiency issued by the qualified handgun instructor and other~~]
11 information required by department rule.

12 (j) A qualified handgun instructor may submit to the
13 department a written recommendation for disapproval of the
14 application for a license, renewal, or modification of a license,
15 accompanied by an affidavit stating personal knowledge or naming
16 persons with personal knowledge of facts that lead the instructor
17 to believe that an applicant does not possess the required handgun
18 proficiency. The department may use a written recommendation
19 submitted under this subsection as the basis for denial of a license
20 only if the department determines that the recommendation is made
21 in good faith and is supported by a preponderance of the evidence.
22 The department shall make a determination under this subsection not
23 later than the 45th day after the date the department receives the
24 written recommendation. The 60-day period in which the department
25 must take action under Section 411.177(b) is extended one day for
26 each day a determination is pending under this subsection.

27 SECTION 11. Sections 411.199(a) and (e), Government Code,

1 are amended to read as follows:

2 (a) A person who is licensed as a peace officer under
3 Chapter 1701, Occupations Code, [415] and who has been employed
4 full-time as a peace officer by a law enforcement agency may apply
5 for a license under this subchapter at any time after retirement.

6 (e) A retired peace officer who obtains a license under this
7 subchapter must maintain, for the category of weapon licensed, the
8 proficiency required for a peace officer under Section 1701.355,
9 Occupations Code [415.035]. The department or a local law
10 enforcement agency shall allow a retired peace officer of the
11 department or agency an opportunity to annually demonstrate the
12 required proficiency. The proficiency shall be reported to the
13 department on application and renewal.

14 SECTION 12. Section 411.1991(a), Government Code, is
15 amended to read as follows:

16 (a) A person who is licensed as a peace officer under
17 Chapter 1701, Occupations Code, [415] and is employed full-time as
18 a peace officer by a law enforcement agency may apply for a license
19 under this subchapter. The person shall submit to the department
20 two complete sets of legible and classifiable fingerprints and a
21 sworn statement of the head of the law enforcement agency employing
22 the applicant. A head of a law enforcement agency may not refuse to
23 issue a statement under this subsection. If the applicant alleges
24 that the statement is untrue, the department shall investigate the
25 validity of the statement. The statement must include:

- 26 (1) the name and rank of the applicant;
- 27 (2) whether the applicant has been accused of

1 misconduct at any time during the applicant's period of employment
2 with the agency and the disposition of that accusation;

3 (3) a description of the physical and mental condition
4 of the applicant;

5 (4) a list of the types of weapons the applicant has
6 demonstrated proficiency with during the preceding year; and

7 (5) a recommendation from the agency head that a
8 license be issued to the person under this subchapter.

9 SECTION 13. Sections 411.201(c) and (d), Government Code,
10 are amended to read as follows:

11 (c) An active judicial officer is eligible for a license to
12 carry a concealed handgun under the authority of this subchapter. A
13 retired judicial officer is eligible for a license to carry a
14 concealed handgun under the authority of this subchapter if the
15 officer:

16 (1) has not been convicted of a felony;

17 (2) has not, in the five years preceding the date of
18 application, been convicted of a Class A or Class B misdemeanor or
19 equivalent offense;

20 (3) is not charged with the commission of a Class A or
21 Class B misdemeanor or equivalent offense or of a felony under an
22 information or indictment;

23 (4) is not a chemically dependent person; and

24 (5) is not a person of unsound mind.

25 (d) An applicant for a license who is an active or retired
26 judicial officer must submit to the department:

27 (1) a completed application, including all required

1 affidavits, on a form prescribed by the department;

2 (2) one or more [~~two recent color passport~~]
3 photographs of the applicant that meet the requirements of the
4 department;

5 (3) two complete sets of legible and classifiable
6 fingerprints of the applicant, including one set taken by a person
7 employed by a law enforcement agency who is appropriately trained
8 in recording fingerprints;

9 (4) evidence of [a] handgun proficiency, in the form
10 and manner required by the department for an applicant under this
11 section [~~certificate issued to the applicant as evidence that the~~
12 ~~applicant successfully completed the proficiency requirements of~~
13 ~~this subchapter~~];

14 (5) [~~4~~] a nonrefundable application and license fee
15 set by the department in an amount reasonably designed to cover the
16 administrative costs associated with issuance of a license to carry
17 a concealed handgun under this subchapter; and

18 (6) [~~5~~] if the applicant is a retired judicial
19 officer, [~~+~~

20 [~~(A) two complete sets of legible and~~
21 ~~classifiable fingerprints of the applicant taken by a person~~
22 ~~employed by a law enforcement agency who is appropriately trained~~
23 ~~in recording fingerprints, and~~

24 [~~(B)~~] a form executed by the applicant that
25 authorizes the department to make an inquiry into any noncriminal
26 history records that are necessary to determine the applicant's
27 eligibility for a license under this subchapter.

1 SECTION 14. Section 411.208, Government Code, is amended by
2 adding Subsection (e) to read as follows:

3 (e) The immunities granted under Subsection (a) to a
4 qualified handgun instructor do not apply to a cause of action for
5 fraud or a deceptive trade practice.

6 SECTION 15. Article 17.292(1), Code of Criminal Procedure,
7 is amended to read as follows:

8 (1) In the order for emergency protection, the magistrate
9 shall [~~may~~] suspend a license to carry a concealed handgun issued
10 under Subchapter H, Chapter 411 [~~Section 411.177~~], Government Code,
11 that is held by the defendant.

12 SECTION 16. Section 57.481(c), Education Code, is amended
13 to read as follows:

14 (c) The corporation shall maintain a system of
15 communication among the appropriate state agencies and entities to
16 reduce loan default claims. To assist the department's
17 determination of eligibility for a handgun license under Subchapter
18 H, Chapter 411, Government Code, the corporation shall provide to
19 the Department of Public Safety updated information regarding
20 persons who are determined to be in default on a student loan
21 guaranteed by the corporation.

22 SECTION 17. Section 57.491, Education Code, is amended by
23 adding Subsection (f) to read as follows:

24 (f) Notwithstanding Subsections (e) and (g), the Department
25 of Public Safety may not issue or renew the handgun license of an
26 applicant who is determined to be in default on a student loan
27 guaranteed by the corporation unless the applicant presents to the

1 department a certificate issued by the corporation certifying that
2 the applicant has repaid the student loan in full.

3 SECTION 18. Section 85.022(d), Family Code, is amended to
4 read as follows:

5 (d) In a protective order, the court shall [~~may~~] suspend a
6 license to carry a concealed handgun issued under Subchapter H,
7 Chapter 411 [~~Section 411.177~~], Government Code, that is held by a
8 person found to have committed family violence.

9 SECTION 19. Section 12.095(e), Health and Safety Code, is
10 amended to read as follows:

11 (e) The panel may require the applicant or license holder to
12 undergo a medical or other examination at the applicant's or
13 holder's expense. A person who conducts an examination under this
14 subsection may be compelled to testify before the panel and in any
15 subsequent proceedings under Subchapter H, Chapter 411, Government
16 Code, or Subchapter N, Chapter 521, Transportation Code, as
17 applicable, concerning the person's observations and findings.

18 SECTION 20. Section 12.097(b), Health and Safety Code, is
19 amended to read as follows:

20 (b) In a subsequent proceeding under Subchapter H, Chapter
21 411, Government Code, or Subchapter N, Chapter 521, Transportation
22 Code, the medical standards division may provide a copy of the
23 report of the medical advisory board or panel and a medical record
24 or report relating to an applicant or license holder to:

25 (1) the Department of Public Safety of the State of
26 Texas;

27 (2) the applicant or license holder; and

1 (3) the officer who presides at the hearing.

2 SECTION 21. Sections 411.175, 411.1882, and 411.189,
3 Government Code, are repealed.

4 SECTION 22. The changes in law made by Sections 411.1711,
5 411.172, and 411.201(c), Government Code, as amended by this Act,
6 and by Section 57.491, Education Code, as amended by this Act, apply
7 only to the eligibility of a person for the issuance, modification,
8 or renewal of a license, the application for which is made on or
9 after the effective date of this Act. A holder of a license that was
10 issued, modified, or renewed before the effective date of this Act
11 is not disqualified from holding that license solely by reason of
12 this Act.

13 SECTION 23. The changes in law made by Sections 411.174,
14 411.176, 411.177, 411.184, 411.185, 411.188, and 411.201(d),
15 Government Code, as amended by this Act, and by the repeal of
16 Sections 411.175, 411.1882, and 411.189, Government Code, apply
17 only to an application for the issuance, modification, or renewal
18 of a license that is submitted to the Department of Public Safety on
19 or after the effective date of this Act. An application submitted
20 before the effective date of this Act is governed by the law in
21 effect when the application was submitted, and the former law is
22 continued in effect for that purpose.

23 SECTION 24. The changes in law made by this Act to Sections
24 411.186 and 411.187, Government Code, Article 17.292, Code of
25 Criminal Procedure, and Section 85.022, Family Code, apply only to
26 an administrative or judicial determination concerning the
27 revocation or suspension of a license to carry a concealed handgun

1 that is made on or after the effective date of this Act. An
2 administrative or judicial determination made before the effective
3 date of this Act is covered by the law in effect when the
4 determination was made, and the former law is continued in effect
5 for that purpose.

6 SECTION 25. The change in law made by Section 411.208,
7 Government Code, as amended by this Act, applies only to a cause of
8 action that accrues on or after the effective date of this Act. A
9 cause of action that accrued before the effective date of this Act
10 is governed by the law in effect immediately before the effective
11 date of this Act, and the former law is continued in effect for that
12 purpose.

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