

BILL ANALYSIS

C.S.H.B. 2613
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law requires a concealed handgun license to be recertified every five years. Interested parties believe that this renewal requirement creates an unnecessary burden on some license holders, specifically those who have not been involved in any criminal activities. C.S.H.B. 2613 seeks to revise the procedures under which a person may renew a concealed handgun license and remove certain eligibility requirements to renew such license.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the public safety director of the Department of Public Safety in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2613 amends the Government Code to require a holder of a license to carry a concealed handgun, in order to renew such a license, to submit to the Department of Public Safety (DPS), on or before the date the license expires: a renewal application form provided by DPS by mail or, in accordance with the procedure adopted under the bill's provisions, on the Internet; and payment of a nonrefundable renewal fee as set by the public safety director of DPS, rather than by DPS itself. The bill removes provisions of law requiring a license holder, in order to renew such license, to complete a continuing education course in handgun proficiency within a certain time period and to submit to DPS certain evidence of handgun proficiency and at least one photograph of the applicant that meets certain requirements. The bill requires the renewal fee set by the public safety director to be in an amount sufficient to cover the actual cost to DPS of verifying the information contained in the renewal application form, conducting any necessary investigation concerning the license holder's continued eligibility to hold a license, and issuing the renewed license, rather than the cost to DPS of renewing the license. The bill includes eligibility requirements to renew a license among the information DPS is required to mail to each license holder not later than the 60th day before the expiration date of a license. The bill requires DPS to allow a license holder to renew the person's license, rather than to require DPS to renew the license, if the license holder meets all eligibility requirements and submits the required renewal application form and fee.

C.S.H.B. 2613 requires the public safety director by rule to adopt a procedure by which a license holder who satisfies the eligibility requirements to renew a license may submit the renewal application materials on the Internet and requires a license holder to acknowledge the form describing certain state laws included in the materials electronically on the Internet. The bill authorizes a person who has submitted a renewal application to continue to carry the concealed handgun the person was licensed to carry under the person's expired license until the renewed license is received if: at any time the person is carrying the concealed handgun, the person also carries the person's expired license and documentation that the person has submitted the renewal application; and the person has not been notified by DPS that the person's renewal application has been denied. The bill makes conforming and nonsubstantive changes.

C.S.H.B. 2613 repeals Sections 411.188(c) and (j) and 411.199(e) of the Government Code, relating to online continuing education instruction courses and handgun proficiency requirements for the renewal of a concealed handgun license and to the annual demonstration of such proficiency by certain retired peace officers.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2613 differs from the original by setting out provisions relating to continuing eligibility requirements to maintain a concealed handgun license and replacing the requirements for the renewal of such a license with substantially similar requirements for maintaining the license, whereas the original retains and revises the requirements relating to the renewal of such a license. The substitute omits a provision included in the original raising the maximum fee for an application and license fee. The substitute differs from the original by removing license renewal requirements relating to completing handgun proficiency continuing education within a certain time period, evidence of such proficiency, and the submission of a photograph, whereas the original retains and revises those requirements with respect to continuing eligibility to maintain a license. The substitute contains provisions not included in the original setting out the circumstances under which a person who has submitted a renewal application may continue to carry the concealed handgun the person was licensed to carry under the person's expired license until the renewed license is received.

C.S.H.B. 2613 differs from the original by making conforming changes to reflect its replacement of license renewal provisions with continuing eligibility provisions, whereas the original makes conforming changes to reflect its revision of license renewal requirements. The substitute omits provisions included in the original expanding the circumstances under which DPS is required to suspend a license to include the failure of a license holder to submit a continuing eligibility form by a certain deadline. The substitute differs from the original by repealing provisions of law relating to the handgun proficiency requirements for the renewal of a concealed handgun license, whereas the original retains and amends those provisions with respect to continuing eligibility to maintain the license. The substitute omits provisions included in the original repealing provisions of law relating to the expiration of a license to carry a concealed handgun and to the renewal of a license to satisfy duplicate license requirements for modified license information. The substitute omits a transition provision included in the original.