

By: Flynn

H.B. No. 2613

Substitute the following for H.B. No. 2613:

By: Pena

C.S.H.B. No. 2613

A BILL TO BE ENTITLED

AN ACT

relating to the procedure under which a person may renew a license to carry a concealed handgun.

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

SECTION 1. Section 411.185, Government Code, is amended to read as follows:

Sec. 411.185. ELIGIBILITY REQUIREMENTS TO RENEW A LICENSE; RENEWAL. (a) To renew a license, a license holder must, on or before the date the license expires, [+

~~[(1) complete a continuing education course in handgun proficiency under Section 411.188(c) within the six-month period preceding;~~

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

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

~~[(2)]~~ submit to the department:

(1) a renewal [(A) an] application [for renewal on a form provided by the department by mail or, in accordance with the procedure adopted under Subsection (d), on the Internet; and

(2) [(B) evidence of handgun proficiency, in the form

1 ~~and manner required by the department,~~

2 [~~(C)~~] payment of a nonrefundable renewal fee as  
3 set by the director ~~[department, and~~

4 [~~(D) one or more photographs of the applicant~~  
5 ~~that meet the requirements of the department]~~.

6 (b) The director by rule shall adopt a renewal application  
7 form requiring an update of the information on the original  
8 completed application. The director by rule shall set the renewal  
9 fee in an amount that is sufficient to cover the actual cost to the  
10 department to verify the information contained in the renewal  
11 application form, conduct any necessary investigation concerning  
12 the license holder's continued eligibility to hold ~~[renew]~~ a  
13 license, and issue the renewed license. Not later than the 60th day  
14 before the expiration date of the license, the department shall  
15 mail to each license holder a written notice of the expiration of  
16 the license, the eligibility requirements to renew a license, and a  
17 renewal application form.

18 (c) The department shall allow ~~[renew the license of]~~ a  
19 license holder to renew the person's license if the license holder  
20 ~~[who]~~ meets all the eligibility requirements and submits the  
21 renewal application form and fee described by Subsection (a) ~~[all~~  
22 ~~the renewal materials]~~. Not later than the 45th day after receipt  
23 of the renewal application form and fee ~~[materials]~~, the department  
24 shall issue the renewed license ~~[renewal]~~ or notify the license  
25 holder in writing that the department denied the license holder's  
26 ~~[that the]~~ renewal application ~~[was denied]~~.

27 (d) The director by rule shall adopt a procedure by which a

1 license holder who satisfies the eligibility requirements to renew  
2 a license [~~criteria~~] may submit the renewal application materials  
3 [~~renew a license~~] by mail or on the Internet. Under the procedure,  
4 the [~~The~~] materials [~~for renewal by mail~~] must include a form [~~to be~~  
5 ~~signed and returned to the department by the applicant~~] that  
6 describes state law regarding[+]

7           [~~(1)~~] the use of deadly force[+] and

8           [~~(2)~~] the places where it is unlawful for the holder of  
9 a license issued under this subchapter to carry a concealed  
10 handgun. The license holder must sign and return the form to the  
11 department by mail or acknowledge the form electronically on the  
12 Internet.

13           (e) A person who has submitted a renewal application under  
14 this section may continue to carry the concealed handgun the person  
15 was licensed to carry under the person's expired license until the  
16 renewed license is received if:

17                   (1) at any time the person is carrying the concealed  
18 handgun, the person also carries:

19                                   (A) the person's expired license; and

20                                   (B) documentation that the person has submitted  
21 the renewal application; and

22                   (2) the person has not been notified by the department  
23 that the person's renewal application has been denied.

24           SECTION 2. Sections 411.188(d), (g), and (k), Government  
25 Code, are amended to read as follows:

26           (d) Only a qualified handgun instructor may administer the  
27 proficiency examination to obtain [~~or to renew~~] a license. The

1 proficiency examination must include:

2 (1) a written section on the subjects listed in  
3 Subsection (b); and

4 (2) a physical demonstration of proficiency in the use  
5 of one or more handguns of specific categories and in handgun safety  
6 procedures.

7 (g) A person who wishes to obtain [~~or renew~~] a license to  
8 carry a concealed handgun must apply in person to a qualified  
9 handgun instructor to take the appropriate course in handgun  
10 proficiency and demonstrate handgun proficiency as required by the  
11 department.

12 (k) 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 3. Section 411.1881(a), Government Code, is amended

1 to read as follows:

2 (a) Notwithstanding any other provision of this subchapter,  
3 a person may not be required to complete the range instruction  
4 portion of a handgun proficiency course to obtain an original [~~or~~  
5 ~~renew a concealed handgun~~] license issued under this subchapter if  
6 the person:

7 (1) is currently serving in or is honorably discharged  
8 from:

9 (A) the army, navy, air force, coast guard, or  
10 marine corps of the United States or an auxiliary service or reserve  
11 unit of one of those branches of the armed forces; or

12 (B) the state military forces, as defined by  
13 Section 431.001; and

14 (2) has, within the five years preceding the date of  
15 the person's application for the [~~an original or renewed~~] license [~~,~~  
16 ~~as applicable~~], completed a course of training in handgun  
17 proficiency or familiarization as part of the person's service with  
18 the armed forces or state military forces.

19 SECTION 4. Section 411.201(g), Government Code, is amended  
20 to read as follows:

21 (g) A license issued under this section expires as provided  
22 by Section 411.183 and, except as otherwise provided by this  
23 subsection, may be renewed in accordance with Section 411.185 [~~of~~  
24 ~~this subchapter~~]. [~~An active judicial officer is not required to~~  
25 ~~attend the classroom instruction part of the continuing education~~  
26 ~~proficiency course to renew a license.~~]

27 SECTION 5. Sections 411.188(c) and (j) and 411.199(e),

1 Government Code, are repealed.

2           SECTION 6. The change in law made by this Act applies to any  
3 renewal by the Department of Public Safety of a license to carry a  
4 concealed handgun that occurs on or after the effective date of this  
5 Act, regardless of whether the license was originally issued  
6 before, on, or after the effective date of this Act.

7           SECTION 7. This Act takes effect September 1, 2011.