

BILL ANALYSIS

C.S.H.B. 48
By: Flynn
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a concealed handgun license expires on the license holder's first birthday that occurs after the fourth anniversary of the date of issuance. Thus, license holders must go through the renewal process, which includes completion of a continuing education course in handgun proficiency, every five years. Interested parties believe that this renewal requirement creates an unnecessary burden on law-abiding license holders who have not been involved in any criminal activities. C.S.H.B. 48 seeks to address this concern by revising requirements and procedures for renewing a concealed handgun 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 SECTIONS 1 and 6 of this bill.

ANALYSIS

C.S.H.B. 48 amends the Government Code to remove from the requirements to renew a concealed handgun license completion of a continuing education course in handgun proficiency and submission of evidence of that proficiency and one or more photographs of the applicant. The bill makes the informational form that describes certain state law regarding the use of deadly force and places where weapon carry is prohibited and that is required to be included in the renewal materials subject to adoption by rule by the public safety director of the Department of Public Safety (DPS). The bill requires the license holder to submit the required renewal materials on or before the date the license expires. The bill requires the public safety director by rule to adopt a procedure by which a license holder may submit the renewal materials on the Internet and authorizes a license holder to make the required acknowledgement of the informational form electronically on the Internet as an alternative to making the required acknowledgment by mail. The bill requires the public safety director by rule to set the renewal fee in an amount sufficient to cover the actual cost to DPS to verify the information contained in the renewal application form, to conduct any necessary investigation concerning the license holder's continued eligibility to hold a license, and to issue the license, rather than to cover the actual cost to DPS only to renew a license.

C.S.H.B. 48 repeals Sections 411.188(c) and (j) and 411.199(e), Government Code.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 48 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

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

Sec. 411.185. LICENSE RENEWAL PROCEDURE. (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(e) 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 by mail or, in accordance with the procedure adopted under Subsection (f), on the Internet:~~

~~(1) a [(A) an application for] renewal application on a form provided by the department;~~

~~(2) [(B) evidence of handgun proficiency, in the form and manner required by the department;~~

~~[(C)] payment of a nonrefundable renewal fee as set by the department; and~~

~~(3) the informational form described by Subsection (c) signed or electronically acknowledged by the applicant [(D) one or more photographs of the applicant that meet the requirements of the department].~~

(b) The director by rule shall adopt a renewal application form requiring an update of the information on the original completed application. The director by rule shall set the renewal fee in an amount that is sufficient to cover the actual cost to the department to:

(1) verify the information contained in the renewal application form;

(2) conduct any necessary investigation concerning the license holder's continued eligibility to hold [renew] a license; and

(3) issue the renewed license.

(c) The director by rule shall adopt an informational form that describes state law regarding the use of deadly force and the places where it is unlawful for the holder of a license issued under this subchapter to

HOUSE COMMITTEE SUBSTITUTE

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

Sec. 411.185. LICENSE RENEWAL PROCEDURE. (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(e) 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 by mail or, in accordance with the procedure adopted under Subsection (f), on the Internet:~~

~~(1) a [(A) an application for] renewal application on a form provided by the department;~~

~~(2) [(B) evidence of handgun proficiency, in the form and manner required by the department;~~

~~[(C)] payment of a nonrefundable renewal fee as set by the department; and~~

~~(3) the informational form described by Subsection (c) signed or electronically acknowledged by the applicant [(D) one or more photographs of the applicant that meet the requirements of the department].~~

(b) The director by rule shall adopt a renewal application form requiring an update of the information on the original completed application. The director by rule shall set the renewal fee in an amount that is sufficient to cover the actual cost to the department to:

(1) verify the information contained in the renewal application form;

(2) conduct any necessary investigation concerning the license holder's continued eligibility to hold [renew] a license; and

(3) issue the renewed license.

(c) The director by rule shall adopt an informational form that describes state law regarding the use of deadly force and the places where it is unlawful for the holder of a license issued under this subchapter to

carry a concealed handgun. An applicant for a renewed license must sign and return the informational form to the department by mail or acknowledge the form electronically on the Internet according to the procedure adopted under Subsection (f).

(d) Not later than the 60th day before the expiration date of the license, the department shall mail to each license holder a written notice of the expiration of the license, ~~and~~ a renewal application form, and the informational form described by Subsection (c).

(e) ~~(e)~~ The department shall renew the license of a license holder who meets all the eligibility requirements to continue to hold a license and submits all the renewal materials described by Subsection (a). Not later than the 45th day after receipt of the renewal materials, the department shall issue the renewed license ~~renewal~~ or notify the license holder in writing that the department denied the license holder's renewal application ~~was denied~~.

(f) ~~(d)~~ The director by rule shall adopt a procedure by which a license holder who satisfies the eligibility requirements to continue to hold a license ~~criteria~~ may submit the renewal materials described by Subsection (a) ~~renew a license~~ by mail or on the Internet.

(g) A person who has submitted to the department the renewal materials described by Subsection (a) may continue to carry any concealed handgun the person was licensed to carry under the person's expired license until the renewed license is received if:

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

(A) the person's expired license; and

(B) documentation that the person has submitted to the department the renewal materials described by Subsection (a); and

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

~~[The materials for renewal by mail must include a form to be signed and returned to the department by the applicant that describes state law regarding:~~

~~[(1) the use of deadly force; and~~

~~[(2) the places where it is unlawful for the holder of a license issued under this subchapter to carry a concealed handgun].~~

carry a concealed handgun. An applicant for a renewed license must sign and return the informational form to the department by mail or acknowledge the form electronically on the Internet according to the procedure adopted under Subsection (f).

(d) Not later than the 60th day before the expiration date of the license, the department shall mail to each license holder a written notice of the expiration of the license, ~~and~~ a renewal application form, and the informational form described by Subsection (c).

(e) ~~(e)~~ The department shall renew the license of a license holder who meets all the eligibility requirements to continue to hold a license and submits all the renewal materials described by Subsection (a). Not later than the 45th day after receipt of the renewal materials, the department shall issue the renewed license ~~renewal~~ or notify the license holder in writing that the department denied the license holder's renewal application ~~was denied~~.

(f) ~~(d)~~ The director by rule shall adopt a procedure by which a license holder who satisfies the eligibility requirements to continue to hold a license ~~criteria~~ may submit the renewal materials described by Subsection (a) ~~renew a license~~ by mail or on the Internet.

~~[The materials for renewal by mail must include a form to be signed and returned to the department by the applicant that describes state law regarding:~~

~~[(1) the use of deadly force; and~~

~~[(2) the places where it is unlawful for the holder of a license issued under this subchapter to carry a concealed handgun.]~~

SECTION 2. Sections 411.188(d), (g), and (k), Government Code, are amended.

SECTION 2. Same as introduced version.

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

SECTION 3. Same as introduced version.

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

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

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

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

SECTION 5. Sections 411.188(c) and (j) and 411.199(e), Government Code, are repealed.

SECTION 5. Same as introduced version.

SECTION 6. The director of the Department of Public Safety shall adopt the rules required by Section 411.185, Government Code, as amended by this Act, as soon as practicable after the effective date of this Act.

SECTION 6. Same as introduced version.

SECTION 7. The change in law made by this Act applies to an application for the renewal of a license to carry a concealed handgun that is submitted to the Department of Public Safety on or after the effective date of this Act, regardless of whether the license was originally issued before, on, or after the effective date of this Act.

SECTION 7. Same as introduced version.

SECTION 8. This Act takes effect September 1, 2013.

SECTION 8. Same as introduced version.