

BILL ANALYSIS

C.S.H.B. 698
By: Springer
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current statute requires a person seeking to obtain a concealed handgun license to submit two complete sets of legible and classifiable fingerprints taken by a person appropriately trained in recording fingerprints who is employed by a law enforcement agency or a certain designated private entity. Department of Public Safety (DPS) rules require the fingerprints to be taken digitally at an approved facility. Interested parties note that many citizens in rural areas must travel between 60 and 100 miles to reach an approved facility to have fingerprints prints taken. The parties contend that many people who work during the week may not be able to drive the distance it takes to reach an approved facility, thus presenting a barrier to the right to carry a concealed handgun. In an effort to provide an alternative method of fingerprinting to accommodate people who live far from these facilities, C.S.H.B. 698 requires DPS to establish procedures for the submission of fingerprints by an applicant for a concealed handgun license who does not reside within a specified distance of a fingerprint processing facility.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 698 amends the Government Code to require the Department of Public Safety (DPS) to establish procedures for the submission of legible and classifiable fingerprints by an applicant for a license to carry a concealed handgun who is required to submit those fingerprints to DPS, including an honorably retired peace officer, active peace officer, or active or retired judicial officer, and who does not reside within a 25-mile radius of a facility with the capability to process digital or electronic fingerprints.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 698 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. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.175 to read as follows:

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.175 to read as follows:

83R 19286

13.88.55

Substitute Document Number: 83R 18819

Sec. 411.175. DIGITAL OR ELECTRONIC FINGERPRINTS. An applicant for a license under this subchapter who is required to submit legible and classifiable fingerprints to the department, including an applicant under Section 411.199, 411.1991, or 411.201, may be required to submit digital or electronic fingerprints only if a facility with the capability to process those fingerprints exists within a 25-mile radius of the applicant's residence address.

SECTION 2. The change in law made by this Act applies only to an application for 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.

SECTION 3. This Act takes effect September 1, 2013.

Sec. 411.175. PROCEDURES FOR SUBMITTING FINGERPRINTS. The department shall establish procedures for the submission of legible and classifiable fingerprints by an applicant for a license under this subchapter who:
(1) is required to submit those fingerprints to the department, including an applicant under Section 411.199, 411.1991, or 411.201; and
(2) does not reside within a 25-mile radius of a facility with the capability to process digital or electronic fingerprints.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.