

BILL ANALYSIS

Senate Research Center
83R1715 JSC-D

S.B. 481
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Criminal Justice
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current Texas Law, a person aged 21 or older must complete a classroom educational course and shooting proficiency examination in order to obtain a Texas Concealed Handgun License (CHL). Once a Texas CHL is obtained, a license holder is allowed to conceal a weapon in Texas, in accordance with the law, as well as in other states that recognize the Texas CHL through an existing reciprocity agreement. Although state reciprocal agreements are common, a loophole exists in Texas law that allows people who live in Texas to obtain a non-resident CHL. If a state outside of Texas offers a non-resident license, the terms and conditions required to obtain a non-resident CHL are guided by the laws of the state issuing the non-resident license, and in some cases does not require an individual to exhibit proficiency with a shooting test or other requirements as described by Texas law. As a condition of an existing reciprocity agreement between two states and the loophole in Texas Law, these non-resident CHL licenses are recognized as valid in Texas. As a result, this loophole in the law does not provide a uniform application of the CHL law to individuals in this state and creates a condition by which a person who has a driver's license issued by Texas and a CHL issued by another state.

Additionally, the Department of Public Safety of the State of Texas has no way of determining how many non-resident licenses have been issued in Texas, which establishes a disadvantage for law enforcement when completing a traffic stop.

As proposed, S.B. 481 amends current law relating to the recognition and validity of a license to carry a concealed handgun issued by another state.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.173, Government Code, by adding Subsection (b-1), as follows:

(b-1) Provides that a person's license to carry a concealed handgun issued by another state, notwithstanding Subsection (b) (relating to an agreement with any other state that provides for the issuance of a license to carry a handgun), is prohibited from being recognized and is not valid in this state if the person has established a domicile in this state. Defines "domicile" for purposes of this subsection.

SECTION 2. Effective date: September 1, 2013.