

By: Flynn, et al.

H.B. No. 48

Substitute the following for H.B. No. 48:

By: Pickett

C.S.H.B. No. 48

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. 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(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 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;

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

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

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

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

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

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

19                   (3) issue the renewed license.

20           (c) The director by rule shall adopt an informational form  
21 that describes state law regarding the use of deadly force and the  
22 places where it is unlawful for the holder of a license issued under  
23 this subchapter to carry a concealed handgun. An applicant for a  
24 renewed license must sign and return the informational form to the  
25 department by mail or acknowledge the form electronically on the  
26 Internet according to the procedure adopted under Subsection (f).

27           (d) Not later than the 60th day before the expiration date

1 of the license, the department shall mail to each license holder a  
2 written notice of the expiration of the license, ~~and~~ a renewal  
3 application form, and the informational form described by  
4 Subsection (c).

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

13 (f) ~~(d)~~ The director by rule shall adopt a procedure by  
14 which a license holder who satisfies the eligibility requirements  
15 to continue to hold a license ~~criteria~~ may submit the renewal  
16 materials described by Subsection (a) ~~renew a license~~ by mail or  
17 on the Internet. ~~The materials for renewal by mail must include a~~  
18 ~~form to be signed and returned to the department by the applicant~~  
19 ~~that describes state law regarding:~~

- 20 (1) ~~the use of deadly force, and~~  
21 (2) ~~the places where it is unlawful for the holder of~~  
22 ~~a license issued under this subchapter to carry a concealed~~  
23 ~~handgun.]~~

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 a [~~or renew a~~  
5 ~~concealed handgun~~] license issued under this subchapter if the  
6 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 director of the Department of Public Safety  
3 shall adopt the rules required by Section 411.185, Government Code,  
4 as amended by this Act, as soon as practicable after the effective  
5 date of this Act.

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

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