

1-1 By: Flynn, et al. (Senate Sponsor - Patrick) H.B. No. 48  
1-2 (In the Senate - Received from the House May 7, 2013;  
1-3 May 9, 2013, read first time and referred to Committee on Criminal  
1-4 Justice; May 17, 2013, reported favorably by the following vote:  
1-5 Yeas 6, Nays 1; May 17, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Huffman	X		
1-10	Carona	X		
1-11	Hinojosa	X		
1-12	Patrick	X		
1-13	Rodriguez		X	
1-14	Schwertner	X		

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the procedure under which a person may renew a license  
1-18 to carry a concealed handgun.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 411.185, Government Code, is amended to  
1-21 read as follows:

1-22 Sec. 411.185. LICENSE RENEWAL PROCEDURE. (a) To renew a  
1-23 license, a license holder must, on or before the date the license  
1-24 expires, [+

1-25 ~~[(1) complete a continuing education course in handgun~~  
1-26 ~~proficiency under Section 411.188(c) within the six-month period~~  
1-27 ~~preceding;~~

1-28 ~~[(A) the date of application for renewal, for a~~  
1-29 ~~first or second renewal; and~~

1-30 ~~[(B) the date of application for renewal or the~~  
1-31 ~~date of application for the preceding renewal, for a third or~~  
1-32 ~~subsequent renewal, to ensure that the license holder is not~~  
1-33 ~~required to complete the course more than once in any 10-year~~  
1-34 ~~period; and~~

1-35 ~~[(2)]~~ submit to the department by mail or, in  
1-36 accordance with the procedure adopted under Subsection (f), on the  
1-37 Internet:

1-38 (1) a [(A) an application for] renewal application  
1-39 on a form provided by the department;

1-40 (2) [(B) evidence of handgun proficiency, in the form  
1-41 and manner required by the department,

1-42 [(C)] payment of a nonrefundable renewal fee as  
1-43 set by the department; and

1-44 (3) the informational form described by Subsection (c)  
1-45 signed or electronically acknowledged by the applicant [(D) one or  
1-46 more photographs of the applicant that meet the requirements of the  
1-47 department].

1-48 (b) The director by rule shall adopt a renewal application  
1-49 form requiring an update of the information on the original  
1-50 completed application. The director by rule shall set the renewal  
1-51 fee in an amount that is sufficient to cover the actual cost to the  
1-52 department to:

1-53 (1) verify the information contained in the renewal  
1-54 application form;

1-55 (2) conduct any necessary investigation concerning  
1-56 the license holder's continued eligibility to hold [renew] a  
1-57 license; and

1-58 (3) issue the renewed license.

1-59 (c) The director by rule shall adopt an informational form  
1-60 that describes state law regarding the use of deadly force and the  
1-61 places where it is unlawful for the holder of a license issued under

2-1 this subchapter to carry a concealed handgun. An applicant for a  
 2-2 renewed license must sign and return the informational form to the  
 2-3 department by mail or acknowledge the form electronically on the  
 2-4 Internet according to the procedure adopted under Subsection (f).

2-5 (d) Not later than the 60th day before the expiration date  
 2-6 of the license, the department shall mail to each license holder a  
 2-7 written notice of the expiration of the license, ~~and~~ a renewal  
 2-8 application form, and the informational form described by  
 2-9 Subsection (c).

2-10 (e) ~~(e)~~ The department shall renew the license of a  
 2-11 license holder who meets all the eligibility requirements to  
 2-12 continue to hold a license and submits all the renewal materials  
 2-13 described by Subsection (a). Not later than the 45th day after  
 2-14 receipt of the renewal materials, the department shall issue the  
 2-15 renewed license ~~renewal~~ or notify the license holder in writing  
 2-16 that the department denied the license holder's renewal application  
 2-17 ~~was denied~~.

2-18 (f) ~~(d)~~ The director by rule shall adopt a procedure by  
 2-19 which a license holder who satisfies the eligibility requirements  
 2-20 to continue to hold a license ~~criteria~~ may submit the renewal  
 2-21 materials described by Subsection (a) ~~renew a license~~ by mail or  
 2-22 on the Internet. ~~The materials for renewal by mail must include a~~  
 2-23 ~~form to be signed and returned to the department by the applicant~~  
 2-24 ~~that describes state law regarding:~~

2-25 ~~(1) the use of deadly force; and~~  
 2-26 ~~(2) the places where it is unlawful for the holder of~~  
 2-27 ~~a license issued under this subchapter to carry a concealed~~  
 2-28 ~~handgun.]~~

2-29 SECTION 2. Sections 411.188(d), (g), and (k), Government  
 2-30 Code, are amended to read as follows:

2-31 (d) Only a qualified handgun instructor may administer the  
 2-32 proficiency examination to obtain ~~or to renew~~ a license. The  
 2-33 proficiency examination must include:

2-34 (1) a written section on the subjects listed in  
 2-35 Subsection (b); and

2-36 (2) a physical demonstration of proficiency in the use  
 2-37 of one or more handguns of specific categories and in handgun safety  
 2-38 procedures.

2-39 (g) A person who wishes to obtain ~~or renew~~ a license to  
 2-40 carry a concealed handgun must apply in person to a qualified  
 2-41 handgun instructor to take the appropriate course in handgun  
 2-42 proficiency and demonstrate handgun proficiency as required by the  
 2-43 department.

2-44 (k) A qualified handgun instructor may submit to the  
 2-45 department a written recommendation for disapproval of the  
 2-46 application for a license ~~renewal~~ or modification of a license,  
 2-47 accompanied by an affidavit stating personal knowledge or naming  
 2-48 persons with personal knowledge of facts that lead the instructor  
 2-49 to believe that an applicant does not possess the required handgun  
 2-50 proficiency. The department may use a written recommendation  
 2-51 submitted under this subsection as the basis for denial of a license  
 2-52 only if the department determines that the recommendation is made  
 2-53 in good faith and is supported by a preponderance of the evidence.  
 2-54 The department shall make a determination under this subsection not  
 2-55 later than the 45th day after the date the department receives the  
 2-56 written recommendation. The 60-day period in which the department  
 2-57 must take action under Section 411.177(b) is extended one day for  
 2-58 each day a determination is pending under this subsection.

2-59 SECTION 3. Section 411.1881(a), Government Code, is amended  
 2-60 to read as follows:

2-61 (a) Notwithstanding any other provision of this subchapter,  
 2-62 a person may not be required to complete the range instruction  
 2-63 portion of a handgun proficiency course to obtain a ~~or renew a~~  
 2-64 ~~concealed handgun~~ license issued under this subchapter if the  
 2-65 person:

2-66 (1) is currently serving in or is honorably discharged  
 2-67 from:

2-68 (A) the army, navy, air force, coast guard, or  
 2-69 marine corps of the United States or an auxiliary service or reserve

3-1 unit of one of those branches of the armed forces; or  
3-2 (B) the state military forces, as defined by  
3-3 Section 431.001; and

3-4 (2) has, within the five years preceding the date of  
3-5 the person's application for the ~~[an original or renewed]~~ license~~[,~~  
3-6 ~~as applicable]~~, completed a course of training in handgun  
3-7 proficiency or familiarization as part of the person's service with  
3-8 the armed forces or state military forces.

3-9 SECTION 4. Section 411.201(g), Government Code, is amended  
3-10 to read as follows:

3-11 (g) A license issued under this section expires as provided  
3-12 by Section 411.183 and~~[, except as otherwise provided by this~~  
3-13 ~~subsection,~~] may be renewed in accordance with Section 411.185 ~~[of~~  
3-14 ~~this subchapter. An active judicial officer is not required to~~  
3-15 ~~attend the classroom instruction part of the continuing education~~  
3-16 ~~proficiency course to renew a license].~~

3-17 SECTION 5. Sections 411.188(c) and (j) and 411.199(e),  
3-18 Government Code, are repealed.

3-19 SECTION 6. The director of the Department of Public Safety  
3-20 shall adopt the rules required by Section 411.185, Government Code,  
3-21 as amended by this Act, as soon as practicable after the effective  
3-22 date of this Act.

3-23 SECTION 7. The change in law made by this Act applies to an  
3-24 application for the renewal of a license to carry a concealed  
3-25 handgun that is submitted to the Department of Public Safety on or  
3-26 after the effective date of this Act, regardless of whether the  
3-27 license was originally issued before, on, or after the effective  
3-28 date of this Act.

3-29 SECTION 8. This Act takes effect September 1, 2013.

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