

By: Davis of Dallas

H.B. No. 3288

A BILL TO BE ENTITLED

1 AN ACT
2 relating to drug testing of a person seeking to obtain or renew a
3 concealed handgun license.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 411.172(a), Government Code, is amended
6 to read as follows:

7 (a) A person is eligible for a license to carry a concealed
8 handgun if the person:

9 (1) is a legal resident of this state for the six-month
10 period preceding the date of application under this subchapter or
11 is otherwise eligible for a license under Section 411.173(a);

12 (2) is at least 21 years of age;

13 (3) has not been convicted of a felony;

14 (4) is not charged with the commission of a Class A or
15 Class B misdemeanor or equivalent offense, or of an offense under
16 Section 42.01, Penal Code, or equivalent offense, or of a felony
17 under an information or indictment;

18 (5) is not a fugitive from justice for a felony or a
19 Class A or Class B misdemeanor or equivalent offense;

20 (6) is not a chemically dependent person;

21 (7) is not incapable of exercising sound judgment with
22 respect to the proper use and storage of a handgun;

23 (8) has not, in the five years preceding the date of
24 application, been convicted of a Class A or Class B misdemeanor or

1 equivalent offense or of an offense under Section 42.01, Penal
2 Code, or equivalent offense;

3 (9) is fully qualified under applicable federal and
4 state law to purchase a handgun;

5 (10) has not been finally determined to be delinquent
6 in making a child support payment administered or collected by the
7 attorney general;

8 (11) has not been finally determined to be delinquent
9 in the payment of a tax or other money collected by the comptroller,
10 the tax collector of a political subdivision of the state, or any
11 agency or subdivision of the state;

12 (12) is not currently restricted under a court
13 protective order or subject to a restraining order affecting the
14 spousal relationship, other than a restraining order solely
15 affecting property interests;

16 (13) has not, in the 10 years preceding the date of
17 application, been adjudicated as having engaged in delinquent
18 conduct violating a penal law of the grade of felony; ~~and~~

19 (14) has not made any material misrepresentation, or
20 failed to disclose any material fact, in an application submitted
21 pursuant to Section 411.174; and

22 (15) is not ineligible for the license based on a drug
23 test under Section 411.1721.

24 SECTION 2. Subchapter H, Chapter 411, Government Code, is
25 amended by adding Section 411.1721 to read as follows:

26 Sec. 411.1721. DRUG TESTING AND ELIGIBILITY. (a) In this
27 section, "controlled substance" has the meaning assigned by Chapter

1 481, Health and Safety Code.

2 (b) In addition to complying with the requirements of
3 Section 411.174 or 411.185, an applicant for the issuance or
4 renewal of a license to carry a concealed handgun must submit to a
5 drug test at the applicant's expense to establish the applicant's
6 eligibility for the license. The applicant must have the drug test
7 results submitted directly to the department.

8 (c) A person whose drug test conducted under this section
9 indicates the presence in the person's body of a controlled
10 substance not prescribed for the person by a health care
11 practitioner is ineligible for a license to carry a concealed
12 handgun until the first anniversary of the date the results of the
13 person's drug test were submitted to the department under this
14 section. A person who is determined to be ineligible under this
15 section may not apply for the issuance of a new license to carry a
16 concealed handgun until the person completes an educational
17 program, approved by the department, that is designed to educate a
18 person on the dangers of drug abuse.

19 (d) Before revoking or denying a license to carry a
20 concealed handgun under this section, the department must:

21 (1) notify the person of the results of the drug test
22 and the department's proposed determination of ineligibility;

23 (2) confirm the results of the drug test through a
24 second drug test or other appropriate method; and

25 (3) provide the person with an opportunity for a
26 public hearing concerning the results of the drug test.

27 SECTION 3. The change in law made by this Act applies only

1 to an application to obtain or renew a license to carry a concealed
2 handgun submitted on or after the effective date of this Act. An
3 application submitted before the effective date of this Act is
4 governed by the law in effect when the application was submitted,
5 and the former law is continued in effect for that purpose.

6 SECTION 4. This Act takes effect September 1, 2013.