

## **BILL ANALYSIS**

Senate Research Center  
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H.B. 2604  
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State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 2604 amends the Government Code to remove a requirement that an applicant for a license to carry a concealed handgun who is licensed as a peace officer and is employed as a peace officer by a law enforcement agency, or a member of the Texas military forces, excluding Texas State Guard members who are serving in the Texas Legislature, submit to the Department of Public Safety of the State of Texas (DPS) two complete sets of legible and classifiable fingerprints and a sworn statement by the head of the law enforcement agency employing the applicant that includes specified information concerning the applicant's qualifications and physical and mental fitness to carry a handgun.

The bill instead requires an applicant who is a peace officer employed by a law enforcement agency to submit to DPS the name and rank of the applicant, a current copy of the applicant's peace officer license, and evidence of employment as a peace officer; requires DPS to adopt rules regarding the information required to be included in an application for a license submitted by a member of the Texas military forces, excluding Texas State Guard members who are serving in the Texas Legislature; and authorizes DPS to issue a concealed handgun license to an applicant who is a peace officer or a member of the Texas military forces if the applicant submits the required information and complies with the adopted rules, as applicable.

H.B. 2604 amends current law relating to a concealed handgun license application that is submitted by a peace officer or a member of the state military forces.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Department of Public Safety of the State of Texas in SECTION 1 (Section 411.1991, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 411.1991, Government Code, by amending Subsections (a) and (b) and adding Subsections (a-1) and (a-2), as follows:

(a) Makes a nonsubstantive change.

(a-1) Requires an applicant who is a peace officer to submit to the Texas Department of Public Safety of the State of Texas (DPS):

(1) the name and rank of the applicant; and

(2) a current copy of the applicant's peace officer license and evidence of employment as a peace officer.

Deletes existing text requiring the person to submit to DPS two complete sets of legible and classifiable fingerprints and a sworn statement of the head of the law enforcement agency employing the applicant. Deletes existing text prohibiting a head of law enforcement agency from refusing to issue a statement under this subsection. Deletes existing text requiring DPS, if the applicant alleges that the statement is untrue, to investigate the validity of the statement. Deletes existing text requiring that the statement

include whether the applicant has been accused of misconduct at any time during the applicant's period of employment with the agency and the disposition of that accusation, a description of the physical and mental condition of the applicant, a list of the types of weapons the applicant has demonstrated proficiency with during the preceding year, and a recommendation from the agency head that a license be issued to the person under this subchapter.

(a-2) Requires DPS to adopt rules regarding the information required to be included in an application submitted by a member of the Texas military forces under this section.

(b) Authorizes DPS to issue a license under this subchapter to an applicant under this section if the applicant complies with Subsection (a-1) or rules adopted under Subsection (a-2), as applicable, rather than authorizes DPS to issue a license under this subchapter to an applicant under this section if the statement from the head of the law enforcement agency employing the applicant complies with Subsection (a) and indicates that the applicant is qualified and physically and mentally fit to carry a handgun.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.