

By: Hall

S.B. No. 718

A BILL TO BE ENTITLED

AN ACT

relating to a permit to show that a person has passed a background check to possess a firearm; authorizing fees.

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

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter H-1 to read as follows:

SUBCHAPTER H-1. FIREARM PURCHASER PERMIT

Sec. 411.221. ELIGIBILITY. A person is eligible for a firearm purchaser permit if the department determines that the person is not prohibited from possessing a firearm under the Brady Handgun Violence Prevention Act, 18 U.S.C. Section 922, other federal law, or state law.

Sec. 411.222. APPLICATION. (a) A person may apply for a firearm purchaser permit by submitting to the department an application and any other information and materials required by the department as necessary to determine if the person is prohibited by law from possessing a firearm.

(b) The department by rule shall prescribe the form of the application and the necessary information and materials. The department shall require the submission of fingerprint records as necessary to conduct a federal criminal background check.

(c) The department by rule may establish a fee for an applicant in an amount sufficient to cover the administrative costs of issuing a permit.

1       Sec. 411.223. REVIEW OF APPLICATION MATERIALS. (a) On  
2 receipt of application materials, the department shall:

3           (1) conduct a criminal history record check of the  
4 applicant through its computerized criminal history system;

5           (2) perform a search of the National Crime Information  
6 Center database and the Interstate Identification Index maintained  
7 by the Federal Bureau of Investigation;

8           (3) send a fingerprint card to the Federal Bureau of  
9 Investigation for a national criminal history record check of the  
10 applicant; and

11           (4) forward the application materials to the  
12 director's designee in the geographical area of the applicant's  
13 residence to enable the designee to conduct the investigation  
14 described by Subsection (b).

15       (b) The director's designee shall conduct an additional  
16 criminal history record check of the applicant and an investigation  
17 of the applicant's local official records to verify the accuracy of  
18 the application materials. The director's designee may access any  
19 records necessary for purposes of this subsection. On completion  
20 of the investigation, the director's designee shall return all  
21 materials and disclose the result of the investigation to the  
22 appropriate division of the department.

23       (c) The department may conduct any additional investigation  
24 that the department considers necessary to verify the accuracy of  
25 the application materials or criminal history record information of  
26 the applicant.

27       Sec. 411.224. ISSUANCE OR DENIAL OF PERMIT. (a) The

1 department shall issue a firearm purchaser permit to an applicant  
2 if the applicant meets all the eligibility requirements and submits  
3 all the application materials.

4 (b) The department shall, not later than the 60th day after  
5 the date of the receipt of the application:

6 (1) issue the permit;

7 (2) notify the applicant in writing that the  
8 application was denied on the grounds that the applicant is not  
9 permitted by law to possess a firearm; or

10 (3) notify the applicant in writing that the  
11 department is unable to make a determination regarding the issuance  
12 or denial of a permit to the applicant within the 60-day period  
13 prescribed by this subsection and include in that notification an  
14 explanation of the reason for that inability and an estimation of  
15 the additional period that the department will need to make the  
16 determination.

17 (c) Failure of the department to issue or deny a permit for a  
18 period of more than 30 days after the department is required to act  
19 under Subsection (b) constitutes denial.

20 (d) A permit issued under this subchapter is effective from  
21 the date of issuance.

22 Sec. 411.225. FORM OF PERMIT. The department by rule shall  
23 adopt the form of the permit.

24 Sec. 411.226. DUPLICATE PERMIT. (a) If a permit is lost,  
25 stolen, or destroyed, the permit holder may apply for a duplicate  
26 permit.

27 (b) A permit holder may change the permit holder's legal

1 name or address on the permit by submitting an application for a  
2 duplicate permit.

3 (c) The department by rule shall adopt a fee for the  
4 issuance of duplicate permits under this section.

5 Sec. 411.227. EXPIRATION. (a) A permit issued under this  
6 subchapter expires on the permit holder's first birthday occurring  
7 after the fourth anniversary of the date of issuance.

8 (b) A renewed permit expires on the permit holder's  
9 birthdate, five years after the date of the expiration of the  
10 previous permit.

11 (c) A duplicate permit expires on the date the original  
12 permit would have expired.

13 Sec. 411.228. PERMIT RENEWAL. (a) To renew a permit, the  
14 permit holder must submit to the department:

15 (1) an application for renewal on a form provided by  
16 the department;

17 (2) payment of a renewal fee set by the department in  
18 an amount to cover the costs of permit renewal; and

19 (3) any other information or materials the department  
20 requires to determine whether the person continues to meet the  
21 requirements for the permit.

22 (b) The department shall:

23 (1) verify the information contained in the renewal  
24 application form; and

25 (2) conduct any necessary investigation concerning  
26 the permit holder's continued eligibility to possess a firearm  
27 under federal and state law.

1       (c) The department shall renew the permit of a permit holder  
2 who meets all the eligibility requirements to continue to hold a  
3 permit and submits all the required renewal materials. Not later  
4 than the 45th day after receipt of the renewal materials, the  
5 department shall issue the renewed permit or notify the permit  
6 holder in writing that the department has denied the permit  
7 holder's renewal application.

8       (d) The director by rule shall adopt a procedure by which a  
9 permit holder who satisfies the eligibility requirements to  
10 continue to hold a permit may submit the renewal materials by mail  
11 or on the Internet.

12       Sec. 411.229. REVOCATION. The department shall revoke a  
13 permit under this section if the permit holder:

14               (1) was not eligible for the permit at the time the  
15 permit was issued;

16               (2) made a material misrepresentation or failed to  
17 disclose a material fact in an application submitted under this  
18 subchapter;

19               (3) subsequently becomes ineligible for a permit; or

20               (4) submits an application fee that is dishonored or  
21 reversed, if the applicant fails to submit a cashier's check or  
22 money order made payable to the "Department of Public Safety of the  
23 State of Texas" in the amount of the dishonored or reversed fee,  
24 plus \$25, before the 30th day after the date of receipt of notice  
25 from the department that the fee was dishonored or reversed.

26       Sec. 411.230. (a) The director shall adopt rules to  
27 administer this subchapter.

1        (b) In adopting rules, the director shall conform the  
2 permitting requirements to the requirements under the Brady Handgun  
3 Violence Prevention Act, 18 U.S.C. Section 922, for state permits  
4 that qualify as alternatives to the background check provision of  
5 that law.

6        SECTION 2. (a) The Department of Public Safety shall adopt  
7 rules to implement Subchapter H-1, Chapter 411, Government Code, as  
8 added by this Act, as soon as practicable after the effective date  
9 of this Act.

10        (b) This Act may be implemented only if the firearm  
11 purchaser permit, as added by this Act, is recognized by the Bureau  
12 of Alcohol, Tobacco, Firearms and Explosives as an alternative to  
13 the background check requirement of the Brady Handgun Violence  
14 Prevention Act, 18 U.S.C. Section 922. The Department of Public  
15 Safety shall apply to the federal government for recognition and  
16 may delay implementation until the recognition is granted.

17        SECTION 3. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2015.