

By: Burrows

H.B. No. 339

A BILL TO BE ENTITLED

AN ACT

relating to the removal of a fee for the issuance of an original,
duplicate, modified, or renewed license to carry a handgun.

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

SECTION 1. Section 411.0625(c), Government Code, is amended
to read as follows:

(c) The department shall adopt rules to establish a
procedure by which a resident of the state may apply for and be
issued a Capitol access pass. Rules adopted under this section
must include provisions for eligibility, application, approval,
issuance, and renewal that:

(1) require the department to conduct the same
background check on an applicant for a Capitol access pass that is
conducted on an applicant for a license to carry a handgun under
Subchapter H;

(2) enable the department to conduct the background
check described by Subdivision (1); and

(3) establish application and renewal fees in amounts
sufficient to cover the cost of administering this section[~~, not to
exceed the amounts of similar fees required under Section 411.174
for a license to carry a handgun~~].

SECTION 2. Section 411.173(a), Government Code, is amended
to read as follows:

(a) The department by rule shall establish a procedure for a

1 person who meets the eligibility requirements of this subchapter
2 other than the residency requirement established by Section
3 411.172(a)(1) to obtain a license under this subchapter if the
4 person is a legal resident of another state or if the person
5 relocates to this state with the intent to establish residency in
6 this state. ~~[The procedure must include payment of a fee in an~~
7 ~~amount sufficient to recover the average cost to the department of~~
8 ~~obtaining a criminal history record check and investigation on a~~
9 ~~nonresident applicant.]~~ A license issued in accordance with the
10 procedure established under this subsection:

11 (1) remains in effect until the license expires under
12 Section 411.183; and

13 (2) may be renewed under Section 411.185.

14 SECTION 3. Section 411.174(a), Government Code, is amended
15 to read as follows:

16 (a) An applicant for a license to carry a handgun must
17 submit to the director's designee described by Section 411.176:

18 (1) a completed application on a form provided by the
19 department that requires only the information listed in Subsection
20 (b);

21 (2) one or more photographs of the applicant that meet
22 the requirements of the department;

23 (3) a certified copy of the applicant's birth
24 certificate or certified proof of age;

25 (4) proof of residency in this state;

26 (5) two complete sets of legible and classifiable
27 fingerprints of the applicant taken by a person appropriately

1 trained in recording fingerprints who is employed by a law
2 enforcement agency or by a private entity designated by a law
3 enforcement agency as an entity qualified to take fingerprints of
4 an applicant for a license under this subchapter;

5 (6) [~~a nonrefundable application and license fee of~~
6 ~~\$140 paid to the department,~~

7 [~~(7)~~] evidence of handgun proficiency, in the form and
8 manner required by the department;

9 (7) [~~(8)~~] an affidavit signed by the applicant stating
10 that the applicant:

11 (A) has read and understands each provision of
12 this subchapter that creates an offense under the laws of this state
13 and each provision of the laws of this state related to use of
14 deadly force; and

15 (B) fulfills all the eligibility requirements
16 listed under Section [411.172](#); and

17 (8) [~~(9)~~] a form executed by the applicant that
18 authorizes the director to make an inquiry into any noncriminal
19 history records that are necessary to determine the applicant's
20 eligibility for a license under Section [411.172](#)(a).

21 SECTION 4. Section [411.179](#), Government Code, is amended by
22 amending Subsection (e) and adding Subsection (f) to read as
23 follows:

24 (e) [~~In this subsection, "veteran" has the meaning assigned~~
25 ~~by Section [411.1951](#).~~] The department shall include the designation
26 "VETERAN" on the face of any original, duplicate, modified, or
27 renewed license under this subchapter or on the reverse side of the

1 license, as determined by the department, if the license is issued
2 to a veteran who:

- 3 (1) requests the designation; and
4 (2) provides proof sufficient to the department of the
5 veteran's military service and honorable discharge.

6 (f) For purposes of Subsection (e), "veteran" means a person
7 who:

8 (1) has served in:

9 (A) the army, navy, air force, coast guard, or
10 marine corps of the United States;

11 (B) the Texas military forces as defined by
12 Section 437.001; or

13 (C) an auxiliary service of one of those branches
14 of the armed forces; and

15 (2) has been honorably discharged from the branch of
16 the service in which the person served.

17 SECTION 5. Section 411.181(h), Government Code, is amended
18 to read as follows:

19 (h) If a license holder is required under this section to
20 apply for a duplicate license and the license expires not later than
21 the 60th day after the date of the loss, theft, or destruction of
22 the license, the applicant may renew the license with the modified
23 information included on the new license. ~~[The applicant must pay~~
24 ~~only the nonrefundable renewal fee.]~~

25 SECTION 6. Sections 411.185(a) and (b), Government Code,
26 are amended to read as follows:

27 (a) To renew a license, a license holder must, on or before

1 the date the license expires, submit to the department by mail or,
2 in accordance with the procedure adopted under Subsection (f), on
3 the Internet:

4 (1) a renewal application on a form provided by the
5 department;

6 ~~[(2) payment of a nonrefundable renewal fee as set by
7 the department,]~~ and

8 (2) ~~[(3)]~~ the informational form described by
9 Subsection (c) signed or electronically acknowledged by the
10 applicant.

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

16 ~~[(1) verify the information contained in the renewal
17 application form,~~

18 ~~[(2) conduct any necessary investigation concerning
19 the license holder's continued eligibility to hold a license, and~~

20 ~~[(3) issue the renewed license.]~~

21 SECTION 7. Sections 411.186(a) and (c), Government Code,
22 are amended to read as follows:

23 (a) The department shall revoke a license under this section
24 if the license holder:

25 (1) was not entitled to the license at the time it was
26 issued;

27 (2) made a material misrepresentation or failed to

1 disclose a material fact in an application submitted under this
2 subchapter;

3 (3) subsequently becomes ineligible for a license
4 under Section 411.172, unless the sole basis for the ineligibility
5 is that the license holder is charged with the commission of a Class
6 A or Class B misdemeanor or equivalent offense, or of an offense
7 under Section 42.01, Penal Code, or equivalent offense, or of a
8 felony under an information or indictment;

9 (4) is convicted of an offense under Section 46.035,
10 Penal Code; or

11 (5) is determined by the department to have engaged in
12 conduct constituting a reason to suspend a license listed in
13 Section 411.187(a) after the person's license has been previously
14 suspended twice for the same reason[~~, or~~

15 [~~(6) submits an application fee that is dishonored or~~
16 ~~reversed if the applicant fails to submit a cashier's check or money~~
17 ~~order made payable to the "Department of Public Safety of the State~~
18 ~~of Texas" in the amount of the dishonored or reversed fee, plus \$25,~~
19 ~~within 30 days of being notified by the department that the fee was~~
20 ~~dishonored or reversed].~~

21 (c) A license holder whose license is revoked for a reason
22 listed in Subsection (a) [~~Subsections (a)(1)-(5)~~] may reapply as a
23 new applicant for the issuance of a license under this subchapter
24 after the second anniversary of the date of the revocation if the
25 cause for revocation does not exist on the date of the second
26 anniversary. If the cause for revocation exists on the date of the
27 second anniversary after the date of revocation, the license holder

1 may not apply for a new license until the cause for revocation no
2 longer exists and has not existed for a period of two years.

3 SECTION 8. Section 411.190(c), Government Code, is amended
4 to read as follows:

5 (c) In the manner applicable to a person who applies for a
6 license to carry a handgun, the department shall conduct a
7 background check of a person who applies for certification as a
8 qualified handgun instructor. If the background check indicates
9 that the applicant for certification would not qualify to receive a
10 handgun license, the department may not certify the applicant as a
11 qualified handgun instructor. If the background check indicates
12 that the applicant for certification would qualify to receive a
13 handgun license, the department shall provide handgun instructor
14 training to the applicant. The applicant shall pay a fee of \$100 to
15 the department for the training. The applicant must take and
16 successfully complete the training offered by the department and
17 pay the training fee before the department may certify the
18 applicant as a qualified handgun instructor. The department shall
19 issue a license to carry a handgun under the authority of this
20 subchapter to any person who is certified as a qualified handgun
21 instructor [~~and who pays to the department a fee of \$100 in addition~~
22 ~~to the training fee~~]. The department by rule may prorate or waive
23 the training fee for an employee of another governmental entity.

24 SECTION 9. Sections 411.201(d) and (h), Government Code,
25 are amended to read as follows:

26 (d) An applicant for a license who is an active or retired
27 judicial officer must submit to the department:

1 (1) a completed application, including all required
2 affidavits, on a form prescribed by the department;

3 (2) one or more photographs of the applicant that meet
4 the requirements of the department;

5 (3) two complete sets of legible and classifiable
6 fingerprints of the applicant, including one set taken by a person
7 employed by a law enforcement agency who is appropriately trained
8 in recording fingerprints;

9 (4) evidence of handgun proficiency, in the form and
10 manner required by the department for an applicant under this
11 section;

12 ~~[(5) a nonrefundable application and license fee set~~
13 ~~by the department in an amount reasonably designed to cover the~~
14 ~~administrative costs associated with issuance of a license to carry~~
15 ~~a handgun under this subchapter,] and~~

16 (5) (6) ~~[(6)]~~ if the applicant is a retired judicial
17 officer, a form executed by the applicant that authorizes the
18 department to make an inquiry into any noncriminal history records
19 that are necessary to determine the applicant's eligibility for a
20 license under this subchapter.

21 (h) The department shall issue a license to carry a handgun
22 under the authority of this subchapter to an elected attorney
23 representing the state in the prosecution of felony cases who meets
24 the requirements of this section for an active judicial officer.

25 ~~[The department shall waive any fee required for the issuance of an~~
26 ~~original, duplicate, or renewed license under this subchapter for~~
27 ~~an applicant who is an attorney elected or employed to represent the~~

1 ~~state in the prosecution of felony cases.]~~

2 SECTION 10. Section 118.011(b), Local Government Code, as
3 effective until September 1, 2019, is amended to read as follows:

4 (b) The county clerk may set and collect the following fee
5 from any person:

6 (1) Returned Check (Sec. 118.0215) . . . not less than
7 \$15 or more than \$30

8 (2) Records Management and Preservation Fee (Sec.
9 118.0216) not more than \$10

10 [~~(3) Mental Health Background Check for License to~~
11 ~~Carry a Handgun (Sec. 118.0217) not more than \$2]~~

12 SECTION 11. (a) Section 118.011(b), Local Government Code,
13 as effective September 1, 2019, is amended to read as follows:

14 (b) The county clerk may set and collect the following fee
15 from any person:

16 (1) Returned Check (Sec. 118.0215) . . . not less than
17 \$15 or more than \$30

18 (2) Records Management and Preservation Fee (Sec.
19 118.0216) not more than \$5

20 [~~(3) Mental Health Background Check for License to~~
21 ~~Carry a Handgun (Sec. 118.0217) not more than \$2]~~

22 (b) This section takes effect September 1, 2019.

23 SECTION 12. The following provisions are repealed:

24 (1) Sections 411.181(d) and (i), 411.186(d), 411.194,
25 411.195, 411.1951, 411.1952, 411.1953, 411.199(d), 411.1991(c),
26 and 411.1992(d), Government Code; and

27 (2) Section 118.0217, Local Government Code.

1 SECTION 13. The change in law made by this Act applies only
2 to an applicant for an original, duplicate, modified, or renewed
3 license to carry a handgun under Subchapter H, Chapter 411,
4 Government Code, as amended by this Act, who submits the
5 application on or after the effective date of this Act.

6 SECTION 14. Except as otherwise provided by this Act, this
7 Act takes effect September 1, 2017.