

By: Shaheen

H.B. No. 2083

A BILL TO BE ENTITLED

1 AN ACT
2 relating to expedited processing of certain applications for a
3 license to carry a handgun; waiving a fee.

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

5 SECTION 1. Section 411.177, Government Code, is amended by
6 amending Subsections (b) and (c) and adding Subsections (b-1) and
7 (b-2) to read as follows:

8 (b) Except as otherwise provided by Subsection (b-1), the
9 ~~[The]~~ department shall, not later than the 60th day after the date
10 of the receipt by the director's designee of the completed
11 application materials:

12 (1) issue the license;

13 (2) notify the applicant in writing that the
14 application was denied:

15 (A) on the grounds that the applicant failed to
16 qualify under the criteria listed in Section 411.172;

17 (B) based on the affidavit of the director's
18 designee submitted to the department under Section 411.176(c); or

19 (C) based on the affidavit of the qualified
20 handgun instructor submitted to the department under Section
21 411.188(k); or

22 (3) notify the applicant in writing that the
23 department is unable to make a determination regarding the issuance
24 or denial of a license to the applicant within the 60-day period

1 prescribed by this subsection and include in that notification an
2 explanation of the reason for the inability and an estimation of the
3 amount of time the department will need to make the determination.

4 (b-1) If the applicant submits with the completed
5 application materials a copy of an active protective order issued
6 under Title 4, Family Code, or Chapter 7A, Code of Criminal
7 Procedure, or an active magistrate's emergency order of protection
8 under Article 17.292, Code of Criminal Procedure, that indicates
9 that the applicant or another person in the applicant's family or
10 household is protected by the order, the department shall, without
11 charging an additional fee, expedite the application. As soon as
12 practicable after the receipt of the materials under this
13 subsection, the department shall:

14 (1) issue the license;

15 (2) notify the applicant in writing that the
16 application was denied:

17 (A) on the grounds that the applicant failed to
18 qualify under the criteria listed in Section 411.172;

19 (B) based on the affidavit of the director's
20 designee submitted to the department under Section 411.176(c); or

21 (C) based on the affidavit of the qualified
22 handgun instructor submitted to the department under Section
23 411.188(k); or

24 (3) notify the applicant in writing that the
25 department is unable to make a determination regarding the issuance
26 or denial of a license to the applicant within the period of three
27 business days as prescribed by this subsection and include in that

1 notification an explanation of the reason for the inability and an
2 estimation of the amount of time the department will need to make
3 the determination.

4 (b-2) The director shall adopt policies for expedited
5 processing under Subsection (b-1).

6 (c) Failure of the department to issue or deny a license for
7 a period of more than 30 days after the department is required to
8 act under Subsection (b) or (b-1) constitutes denial.

9 SECTION 2. Subchapter H, Chapter 411, Government Code, is
10 amended by adding Section 411.1954 to read as follows:

11 Sec. 411.1954. WAIVING OF FEES FOR CERTAIN APPLICANTS WITH
12 PROTECTIVE ORDER. Notwithstanding any other provision of this
13 subchapter, the fee for the issuance of an original, duplicate,
14 modified, or renewed license under this subchapter if the applicant
15 submits to the department a copy of an active protective order
16 issued under Title 4, Family Code, or Chapter 7A, Code of Criminal
17 Procedure, or an active magistrate's emergency order of protection
18 under Article 17.292, Code of Criminal Procedure, that indicates
19 that the applicant or another person in the applicant's family or
20 household is protected by the order, shall be waived.

21 SECTION 3. Section 411.177, Government Code, as amended by
22 this Act, applies only to an application for a license to carry a
23 handgun for which the completed application materials are received
24 by the Department of Public Safety of the State of Texas on or after
25 the effective date of this Act. An application for a license to
26 carry a handgun for which the completed application materials were
27 received before the effective date of this Act is governed by the

1 law in effect on the date the materials were received, and the
2 former law is continued in effect for that purpose.

3 SECTION 4. Section 411.1954, Government Code, as added by
4 this Act, applies only to an application for an original,
5 duplicate, modified, or renewed license to carry a handgun
6 submitted on or after the effective date of this Act. An
7 application submitted before the effective date of this Act is
8 governed by the law in effect on the date the application was
9 submitted, and the former law is continued in effect for that
10 purpose.

11 SECTION 5. This Act takes effect September 1, 2017.