

By: Springer

H.B. No. 3242

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for and the revocation of a license to carry a handgun.

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

SECTION 1. Section 411.186(a), Government Code, is amended to read as follows:

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

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

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

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

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

(5) is determined by the department to have engaged in conduct constituting a reason to suspend a license listed in Section 411.187(a) after the person's license has been previously

1 suspended twice for the same reason; ~~[or]~~

2 (6) submits an application fee that is dishonored or
3 reversed if the applicant fails to submit a cashier's check or money
4 order made payable to the "Department of Public Safety of the State
5 of Texas" in the amount of the dishonored or reversed fee, plus \$25,
6 within 30 days of being notified by the department that the fee was
7 dishonored or reversed; or

8 (7) holds a license issued as described by Section
9 411.1991(b) and the Texas Commission on Law Enforcement notifies
10 the department that the peace officer's license under Chapter 1701,
11 Occupations Code, has been revoked or suspended.

12 SECTION 2. The heading to Section 411.1882, Government
13 Code, is amended to read as follows:

14 Sec. 411.1882. EVIDENCE OF HANDGUN PROFICIENCY FOR CERTAIN
15 COURT PERSONNEL AND SUPERVISION OFFICERS ~~[PERSONS]~~.

16 SECTION 3. Subchapter H, Chapter 411, Government Code, is
17 amended by adding Section 411.189 to read as follows:

18 Sec. 411.189. EVIDENCE OF HANDGUN PROFICIENCY FOR CERTAIN
19 PERSONS EMPLOYED BY STATE OR POLITICAL SUBDIVISION OF STATE. (a)
20 This section applies only to a person, other than a person described
21 by Section 411.1882 or a peace officer described by Section
22 411.1991(a), who is employed by this state or a political
23 subdivision of this state in a position that requires the person to
24 obtain instruction on the use of handguns from a handgun
25 proficiency instructor approved by the Texas Commission on Law
26 Enforcement.

27 (b) A person described by Subsection (a) may establish

1 handgun proficiency for the purposes of this subchapter by
2 obtaining from the instructor a sworn statement that indicates that
3 the person, during the 12-month period preceding the date of the
4 person's application to the department, demonstrated to the
5 instructor proficiency in the use of handguns.

6 (c) The director by rule shall adopt a procedure by which a
7 person described by Subsection (b) may submit a form demonstrating
8 the person's qualification for an exemption under that subsection.
9 The form must provide sufficient information to allow the
10 department to verify whether the person qualifies for the
11 exemption.

12 (d) A license issued under this section automatically
13 expires on the six-month anniversary of the date the person's
14 status under Subsection (a) becomes inapplicable. A license that
15 expires under this subsection may be renewed under Section [411.185](#).

16 SECTION 4. Section [411.1991](#), Government Code, is amended by
17 amending Subsections (a), (a-1), (b), and (c) and adding Subsection
18 (e) to read as follows:

19 (a) A person who is licensed as a peace officer under
20 Chapter [1701](#), Occupations Code, [~~and employed as a peace officer by~~
21 ~~a law enforcement agency,~~] or who is a member of the Texas military
22 forces, excluding Texas State Guard members who are serving in the
23 Texas Legislature, may apply for a license under this subchapter.

24 (a-1) An applicant who is licensed as a peace officer under
25 Chapter [1701](#), Occupations Code, shall submit to the department:

26 (1) the name [~~and rank~~] of the applicant; and

27 (2) a current copy of the applicant's peace officer

1 license ~~[and evidence of employment as a peace officer]~~.

2 (b) The department shall ~~[may]~~ issue a license under this
3 subchapter to an applicant under this section who is a licensed
4 peace officer if the applicant complies with Subsection (a-1) and
5 meets all other requirements of this subchapter. The department
6 shall waive any fee required for the issuance of an original,
7 duplicate, modified, or renewed license to the applicant.

8 (c) The department may issue a license under this subchapter
9 to an applicant under this section who is a member of the Texas
10 military forces if the applicant complies with ~~[or]~~ rules adopted
11 under Subsection (a-2) ~~[, as applicable]~~. The ~~[(c) An]~~ applicant
12 ~~[under this section]~~ shall pay a fee of \$25 for a license issued
13 under this subchapter.

14 (e) If otherwise eligible for a license under this
15 subchapter, a peace officer whose handgun license is revoked under
16 Section 411.186(a)(7) may apply, without status as a peace officer,
17 for a new handgun license under Section 411.174.

18 SECTION 5. Section 1701.501, Occupations Code, is amended
19 by adding Subsection (e) to read as follows:

20 (e) If the commission becomes aware of an offense committed
21 by a license holder or revokes or suspends a license under this
22 subchapter, the commission shall immediately notify the Department
23 of Public Safety of the license holder's offense or of the
24 revocation or suspension, as applicable.

25 SECTION 6. (a) Except as provided by Subsection (b) of this
26 section, the change in law made by this Act applies only to an
27 application to obtain a license to carry a handgun submitted on or

1 after the effective date of this Act. An application submitted
2 before the effective date of this Act is governed by the law in
3 effect when the application was submitted, and the former law is
4 continued in effect for that purpose.

5 (b) Section 1701.501, Occupations Code, as amended by this
6 Act, applies only to a revocation or suspension of a license by the
7 Texas Commission on Law Enforcement on or after the effective date
8 of this Act.

9 SECTION 7. This Act takes effect September 1, 2017.