

1-1 By: Burns, Herrero, Guillen H.B. No. 2137  
 1-2 (Senate Sponsor - Flores)  
 1-3 (In the Senate - Received from the House April 16, 2019;  
 1-4 April 17, 2019, read first time and referred to Committee on State  
 1-5 Affairs; May 1, 2019, reported adversely, with favorable Committee  
 1-6 Substitute by the following vote: Yeas 8, Nays 0; May 1, 2019, sent  
 1-7 to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9 Huffman	X			
1-10 Hughes	X			
1-11 Birdwell	X			
1-12 Creighton			X	
1-13 Fallon	X			
1-14 Hall	X			
1-15 Lucio	X			
1-16 Nelson	X			
1-17 Zaffirini	X			

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 2137 By: Birdwell

1-20 A BILL TO BE ENTITLED  
 1-21 AN ACT

1-22 relating to an application made by certain retired state and  
 1-23 federal officers to obtain a license to carry a handgun; waiving a  
 1-24 fee.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 411.199, Government Code, is amended by  
 1-27 amending Subsections (b), (d), (f), and (g) and adding Subsections  
 1-28 (e) and (e-1) to read as follows:

1-29 (b) The person shall submit two complete sets of legible and  
 1-30 classifiable fingerprints and a sworn statement from the head of  
 1-31 the law enforcement agency employing the applicant. A head of a law  
 1-32 enforcement agency may not refuse to issue a statement under this  
 1-33 subsection. If the applicant alleges that the statement is untrue,  
 1-34 the department shall investigate the validity of the statement.  
 1-35 The statement must include:

- 1-36 (1) the name and rank of the applicant;
- 1-37 (2) the status of the applicant before retirement;
- 1-38 (3) whether or not the applicant was accused of  
 1-39 misconduct at the time of the retirement;
- 1-40 (4) the physical and mental condition of the  
 1-41 applicant;
- 1-42 (5) the type of weapons the applicant had demonstrated  
 1-43 proficiency with during the last year of employment;
- 1-44 (6) whether the applicant would be eligible for  
 1-45 reemployment with the agency, and if not, the reasons the applicant  
 1-46 is not eligible; ~~and~~
- 1-47 (7) a recommendation from the agency head regarding  
 1-48 the issuance of a license under this subchapter; and
- 1-49 (8) whether the applicant holds a current certificate  
 1-50 of proficiency under Section 1701.357, Occupations Code.

1-51 ~~(d) The department shall waive any fee required [An~~  
 1-52 ~~applicant under this section must pay a fee of \$25] for a license~~  
 1-53 ~~issued under this subchapter to an applicant under this section.~~

1-54 (e) An applicant under this section who complies with  
 1-55 Subsections (b) and (c) or Subsection (g), as applicable, and with  
 1-56 the other requirements of this subchapter is not required to  
 1-57 complete the classroom instruction portion of the handgun  
 1-58 proficiency course described by Section 411.188 to obtain a license  
 1-59 under this subchapter.

1-60 (e-1) An applicant described by Subsection (e) who holds a

2-1 current certificate of proficiency under Section 1701.357,  
2-2 Occupations Code, is not required to complete the range instruction  
2-3 portion of the handgun proficiency course described by Section  
2-4 411.188 to obtain a license under this subchapter.

2-5 (f) A license issued under this subchapter to an applicant  
2-6 under this section expires as provided by Section 411.183.

2-7 (g) A retired officer of the United States who was eligible  
2-8 to carry a firearm in the discharge of the officer's official duties  
2-9 is eligible to apply under this section for a license issued under  
2-10 this subchapter ~~[section]~~. An applicant described by this  
2-11 subsection may submit the application at any time after retirement.  
2-12 The applicant shall submit with the application proper proof of  
2-13 retired status by presenting the following documents prepared by  
2-14 the agency from which the applicant retired:

- 2-15 (1) retirement credentials; and
- 2-16 (2) a letter from the agency head stating the  
2-17 applicant retired in good standing.

2-18 SECTION 2. Section 411.199, Government Code, as amended by  
2-19 this Act, applies only to an application for a license to carry a  
2-20 handgun submitted on or after the effective date of this Act. An  
2-21 application submitted before the effective date of this Act is  
2-22 governed by the law in effect on the date the application was  
2-23 submitted, and the former law is continued in effect for that  
2-24 purpose.

2-25 SECTION 3. This Act takes effect September 1, 2019.

2-26 \* \* \* \* \*