

By: Guillen

H.B. No. 2949

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to a license to carry a handgun for a person who is at  
3 increased risk of becoming a victim of violence.

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),  
7 (b-2), and (b-3) to read as follows:

8 (b) Except as otherwise provided by Subsection (b-1),  
9 the [~~The~~] department shall, not later than the 60th day after the  
10 date 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 additional period [~~amount of time~~] the department will need to make  
4 the determination.

5 (b-1) If the applicant submits with the completed  
6 application materials an application for a designation under  
7 Section 411.184, the department shall, without charging an  
8 additional fee, expedite the application. Not later than the 10th  
9 day after the receipt of the materials under this subsection, the  
10 department shall:

- 11 (1) issue the license with the designation; or  
12 (2) notify the applicant in writing that the applicant  
13 is not eligible for the designation under Section 411.184 and the  
14 application for the license will be processed in the regular course  
15 of business.

16 (b-2) Notwithstanding Subsection (b-1), if the department  
17 determines that the applicant is eligible for the designation under  
18 Section 411.184 but is unable to quickly make a determination  
19 regarding the issuance or denial of a license to the applicant, the  
20 department shall provide written notice of that fact to the  
21 applicant and shall include in that notice an explanation of the  
22 reason for the inability and an estimation of the additional period  
23 the department will need to make the determination.

24 (b-3) The director shall adopt policies for expedited  
25 processing under Subsection (b-1).

26 (c) Failure of the department to issue or deny a license for  
27 a period of more than 30 days after the department is required to

1 act under Subsection (b) constitutes denial, regardless of whether  
2 the applicant was eligible for expedited processing of the  
3 application under Subsection (b-1).

4 SECTION 2. Section 411.179(a), Government Code, is amended  
5 to read as follows:

6 (a) The department by rule shall adopt the form of the  
7 license. A license must include:

8 (1) a number assigned to the license holder by the  
9 department;

10 (2) a statement of the period for which the license is  
11 effective;

12 (3) a color photograph of the license holder;

13 (4) the license holder's full name, date of birth, hair  
14 and eye color, height, weight, and signature;

15 (5) the license holder's residence address or, as  
16 provided by Subsection (d), the street address of the courthouse in  
17 which the license holder or license holder's spouse serves as a  
18 federal judge or the license holder serves as a state judge;

19 (6) the number of a driver's license or an  
20 identification certificate issued to the license holder by the  
21 department; ~~and~~

22 (7) the designation "VETERAN" if required under  
23 Subsection (e); and

24 (8) any at-risk designation for which the license  
25 holder has established eligibility under Section 411.184.

26 SECTION 3. Subchapter H, Chapter 411, Government Code, is  
27 amended by adding Section 411.184 to read as follows:

1       Sec. 411.184. AT-RISK DESIGNATION. (a) The department  
2 shall develop a procedure for persons who are at increased risk of  
3 becoming a victim of violence to:

4           (1) obtain a handgun license on an expedited basis, if  
5 the person is not already a license holder; and

6           (2) qualify for an at-risk designation on the license.

7       (b) A person is eligible for an at-risk designation under  
8 this section if:

9           (1) the person is protected under, or a member of the  
10 person's household or family is protected under:

11           (A) a temporary restraining order or temporary  
12 injunction issued under Subchapter F, Chapter 6, Family Code;

13           (B) a temporary ex parte order issued under  
14 Chapter 83, Family Code;

15           (C) a protective order issued under Chapter 85,  
16 Family Code;

17           (D) a protective order issued under Article 6.08  
18 or 6.09, Code of Criminal Procedure, or Chapter 7A of that code; or

19           (E) a magistrate's order for emergency  
20 protection issued under Article 17.292, Code of Criminal Procedure;  
21 or

22           (2) the person participates in the address  
23 confidentiality program under Subchapter C, Chapter 56, Code of  
24 Criminal Procedure.

25       (c) The director may adopt rules to accept alternative  
26 documentation not described by Subsection (b) that shows that the  
27 person is at increased risk of becoming a victim of violence.

1       (d) A person may receive an at-risk designation under this  
2 section if the person submits to the department, in the form and  
3 manner provided by the department:

4           (1) an application for the designation;

5           (2) evidence of the increased risk of becoming a  
6 victim of violence, as provided by Subsection (b) or rules adopted  
7 under Subsection (c); and

8           (3) any other information that the department may  
9 require.

10       (e) A license holder may apply for the designation under  
11 this section by making an application for a duplicate license. A  
12 person who is not a license holder may apply for the designation  
13 with the person's application for an original license to carry a  
14 handgun.

15       (f) A person with a designation granted under this section  
16 shall annually certify that the person continues to qualify for the  
17 designation and shall submit to the department any information the  
18 department requires to verify the person's continuing eligibility.  
19 A person who no longer qualifies for the designation under this  
20 section shall immediately notify the department.

21       (g) If based on the information received under Subsection  
22 (f) the department determines that the person is no longer eligible  
23 for a designation under this section, the department shall notify  
24 the person and issue to the person a duplicate license without a  
25 designation.

26       (h) On receipt of a duplicate license without a designation  
27 under Subsection (g), the license holder shall return the license

1 with the designation to the department.

2 (i) The department may not charge a fee for issuing a  
3 duplicate license with a designation under this section or for  
4 issuing a duplicate license without a designation if the person no  
5 longer qualifies for the designation. If a person applies for a  
6 designation at the same time the person applies for an original  
7 license under this subchapter, the department may charge only the  
8 licensing fee.

9 SECTION 4. Section 46.035, Penal Code, is amended by adding  
10 Subsection (n) to read as follows:

11 (n) It is a defense to prosecution under Subsections (b)(1),  
12 (2), (4), (5), and (6) and (c) that at the time of the commission of  
13 the offense the actor was carrying a handgun and held a license  
14 issued under Subchapter H, Chapter 411, Government Code, bearing an  
15 at-risk designation under Section 411.184 of that code.

16 SECTION 5. Section 46.15(a), Penal Code, is amended to read  
17 as follows:

18 (a) Sections 46.02 and 46.03 do not apply to:

19 (1) peace officers or special investigators under  
20 Article 2.122, Code of Criminal Procedure, and neither section  
21 prohibits a peace officer or special investigator from carrying a  
22 weapon in this state, including in an establishment in this state  
23 serving the public, regardless of whether the peace officer or  
24 special investigator is engaged in the actual discharge of the  
25 officer's or investigator's duties while carrying the weapon;

26 (2) parole officers and neither section prohibits an  
27 officer from carrying a weapon in this state if the officer is:

1 (A) engaged in the actual discharge of the  
2 officer's duties while carrying the weapon; and

3 (B) in compliance with policies and procedures  
4 adopted by the Texas Department of Criminal Justice regarding the  
5 possession of a weapon by an officer while on duty;

6 (3) community supervision and corrections department  
7 officers appointed or employed under Section 76.004, Government  
8 Code, and neither section prohibits an officer from carrying a  
9 weapon in this state if the officer is:

10 (A) engaged in the actual discharge of the  
11 officer's duties while carrying the weapon; and

12 (B) authorized to carry a weapon under Section  
13 76.0051, Government Code;

14 (4) an active judicial officer as defined by Section  
15 411.201, Government Code, who is licensed to carry a handgun under  
16 Subchapter H, Chapter 411, Government Code;

17 (5) an honorably retired peace officer, qualified  
18 retired law enforcement officer, federal criminal investigator, or  
19 former reserve law enforcement officer who holds a certificate of  
20 proficiency issued under Section 1701.357, Occupations Code, and is  
21 carrying a photo identification that is issued by a federal, state,  
22 or local law enforcement agency, as applicable, and that verifies  
23 that the officer is:

24 (A) an honorably retired peace officer;

25 (B) a qualified retired law enforcement officer;

26 (C) a federal criminal investigator; or

27 (D) a former reserve law enforcement officer who

1 has served in that capacity not less than a total of 15 years with  
2 one or more state or local law enforcement agencies;

3 (6) the attorney general or a United States attorney,  
4 district attorney, criminal district attorney, county attorney, or  
5 municipal attorney who is licensed to carry a handgun under  
6 Subchapter H, Chapter 411, Government Code;

7 (7) an assistant United States attorney, assistant  
8 attorney general, assistant district attorney, assistant criminal  
9 district attorney, or assistant county attorney who is licensed to  
10 carry a handgun under Subchapter H, Chapter 411, Government Code;

11 (8) a bailiff designated by an active judicial officer  
12 as defined by Section 411.201, Government Code, who is:

13 (A) licensed to carry a handgun under Subchapter  
14 H, Chapter 411, Government Code; and

15 (B) engaged in escorting the judicial officer;

16 (9) a juvenile probation officer who is authorized to  
17 carry a firearm under Section 142.006, Human Resources Code; ~~or~~

18 (10) a person who is volunteer emergency services  
19 personnel if the person is:

20 (A) carrying a handgun under the authority of  
21 Subchapter H, Chapter 411, Government Code; and

22 (B) engaged in providing emergency services; or

23 (11) a person who is carrying a handgun and holds a  
24 license to carry a handgun issued under Subchapter H, Chapter 411,  
25 Government Code, that bears an at-risk designation under Section  
26 411.184 of that code.

27 SECTION 6. The public safety director of the Department of



1 Public Safety shall adopt the rules necessary to implement Section  
2 411.184, Government Code, as added by this Act, not later than  
3 December 1, 2019.

4 SECTION 7. (a) Section 411.177, Government Code, as  
5 amended by this Act, applies only to an application for a license to  
6 carry a handgun for which the completed application materials are  
7 received by the Department of Public Safety on or after January 1,  
8 2020.

9 (b) The Department of Public Safety may not accept an  
10 application for or grant a designation under Section 411.184,  
11 Government Code, as added by this Act, before January 1, 2020.

12 SECTION 8. The change in law made by this Act in amending  
13 Sections 46.035 and 46.15, Penal Code, applies only to an offense  
14 committed on or after January 1, 2020. An offense committed before  
15 January 1, 2020, is governed by the law in effect on the date the  
16 offense was committed, and the former law is continued in effect for  
17 that purpose. For purposes of this section, an offense was  
18 committed before January 1, 2020, if any element of the offense  
19 occurred before that date.

20 SECTION 9. This Act takes effect September 1, 2019.