

By: Talarico

H.B. No. 3508

A BILL TO BE ENTITLED

AN ACT

relating to the issuance or renewal of a license to carry a handgun.

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

SECTION 1. Sections 411.177(a) and (b), Government Code, are amended to read as follows:

(a) The department may ~~[shall]~~ issue a license to carry a handgun to an applicant if the applicant meets all the eligibility requirements and submits all the application materials. The department shall administer the licensing procedures in good faith and ~~[so that any applicant who meets all the eligibility requirements and submits all the application materials shall receive a license. The department]~~ may not deny an application on the basis of a capricious or arbitrary decision by the department. A denial must be supported by a preponderance of the evidence.

(b) The department shall, not later than the 60th day after the date of the receipt by the director's designee of the completed application materials:

(1) issue the license;

(2) notify the applicant in writing that the application was denied and explain the grounds for the denial [+

~~[(A) on the grounds that the applicant failed to qualify under the criteria listed in Section 411.172,~~

~~[(B) based on the affidavit of the director's designee submitted to the department under Section 411.176(c), or~~

1 [~~(C) based on the affidavit of the qualified~~
2 ~~handgun instructor submitted to the department under Section~~
3 ~~411.188(k)~~]; or

4 (3) notify the applicant in writing that the
5 department is unable to make a determination regarding the issuance
6 or denial of a license to the applicant within the 60-day period
7 prescribed by this subsection and include in that notification an
8 explanation of the reason for the inability and an estimation of the
9 amount of time the department will need to make the determination.

10 SECTION 2. Section 411.185(e), Government Code, is amended
11 to read as follows:

12 (e) The department may [~~shall~~] renew the license of a
13 license holder who meets all the eligibility requirements to
14 continue to hold a license and submits all the renewal materials
15 described by Subsection (a). Not later than the 45th day after
16 receipt of the renewal materials, the department shall issue the
17 renewed license or notify the license holder in writing that the
18 department denied the license holder's renewal application. A
19 denial must be supported by a preponderance of the evidence.

20 SECTION 3. The change in law made by this Act applies only
21 to an applicant for an original or renewed license to carry a
22 handgun under Subchapter H, Chapter 411, Government Code, as
23 amended by this Act, who submits the application on or after the
24 effective date of this Act.

25 SECTION 4. This Act takes effect September 1, 2019.