

By: Fallon, et al.
(Nevárez)

S.B. No. 1691

A BILL TO BE ENTITLED

AN ACT

relating to expedited processing of certain applications for a license to carry a handgun; waiving a fee.

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

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

(b) Except as otherwise provided by Subsection (b-1), the ~~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:

(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

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

(3) notify the applicant in writing that the department is unable to make a determination regarding the issuance 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 is protected by the order, the department shall,
10 without charging a fee, expedite the application. As soon as
11 practicable after the receipt of the materials under this
12 subsection, the department shall:

13 (1) issue the license; or

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

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

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

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

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

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

27 Sec. 411.1954. WAIVER OF FEES FOR CERTAIN APPLICANTS WITH

1 PROTECTIVE ORDER. Notwithstanding any other provision of this
2 subchapter, the department shall waive any fee required for the
3 issuance of an original, duplicate, modified, or renewed license
4 under this subchapter if the applicant submits to the department a
5 copy of an active protective order issued under Title 4, Family
6 Code, or Chapter 7A, Code of Criminal Procedure, or an active
7 magistrate's emergency order of protection under Article 17.292,
8 Code of Criminal Procedure, that indicates that the applicant is
9 protected by the order.

10 SECTION 3. Section 411.177, Government Code, as amended by
11 this Act, applies only to an application for a license to carry a
12 handgun for which the completed application materials are received
13 by the Department of Public Safety of the State of Texas on or after
14 the effective date of this Act. An application for a license to
15 carry a handgun for which the completed application materials were
16 received before the effective date of this Act is governed by the
17 law in effect on the date the materials were received, and the
18 former law is continued in effect for that purpose.

19 SECTION 4. Section 411.1954, Government Code, as added by
20 this Act, applies only to an application for an original,
21 duplicate, modified, or renewed license to carry a handgun
22 submitted on or after the effective date of this Act. An
23 application submitted before the effective date of this Act is
24 governed by the law in effect on the date the application was
25 submitted, and the former law is continued in effect for that
26 purpose.

27 SECTION 5. The Department of Public Safety of the State of

1 Texas is required to implement a provision of this Act only if the
2 legislature appropriates money specifically for that purpose. If
3 the legislature does not appropriate money specifically for that
4 purpose, the Department of Public Safety of the State of Texas may,
5 but is not required to, implement a provision of this Act using
6 other appropriations available for that purpose.

7 SECTION 6. This Act takes effect September 1, 2019.