

SENATE AMENDMENTS

2nd Printing

By: Burns, Herrero, Guillen

H.B. No. 2137

A BILL TO BE ENTITLED

1 AN ACT
2 relating to an application made by certain retired state and
3 federal officers to obtain a license to carry a handgun; waiving a
4 fee.

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

6 SECTION 1. Section 411.183, Government Code, is amended by
7 adding Subsection (e) to read as follows:

8 (e) Notwithstanding any other provision of this section, a
9 license issued to an applicant under Section 411.199 does not
10 expire.

11 SECTION 2. Section 411.199, Government Code, is amended by
12 amending Subsections (b), (d), (f), and (g) and adding Subsections
13 (e) and (e-1) to read as follows:

14 (b) The person shall submit two complete sets of legible and
15 classifiable fingerprints and a sworn statement from the head of
16 the law enforcement agency employing the applicant. A head of a law
17 enforcement agency may not refuse to issue a statement under this
18 subsection. If the applicant alleges that the statement is untrue,
19 the department shall investigate the validity of the statement.
20 The statement must include:

- 21 (1) the name and rank of the applicant;
22 (2) the status of the applicant before retirement;
23 (3) whether or not the applicant was accused of
24 misconduct at the time of the retirement;

1 (4) the physical and mental condition of the
2 applicant;

3 (5) the type of weapons the applicant had demonstrated
4 proficiency with during the last year of employment;

5 (6) whether the applicant would be eligible for
6 reemployment with the agency, and if not, the reasons the applicant
7 is not eligible; ~~and~~

8 (7) a recommendation from the agency head regarding
9 the issuance of a license under this subchapter; and

10 (8) whether the applicant holds a current certificate
11 of proficiency under Section 1701.357, Occupations Code.

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

15 (e) An applicant under this section who complies with
16 Subsections (b) and (c) or Subsection (g), as applicable, and with
17 the other requirements of this subchapter is not required to
18 complete the classroom instruction portion of the handgun
19 proficiency course described by Section 411.188 to obtain a license
20 under this subchapter.

21 (e-1) An applicant described by Subsection (e) who holds a
22 current certificate of proficiency under Section 1701.357,
23 Occupations Code, is not required to complete the range instruction
24 portion of the handgun proficiency course described by Section
25 411.188 to obtain a license under this subchapter.

26 (f) A license issued under this subchapter to an applicant
27 under this section does not expire, ~~[expires]~~ as provided by

1 Section 411.183(e) [~~411.183~~].

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

10 (1) retirement credentials; and

11 (2) a letter from the agency head stating the
12 applicant retired in good standing.

13 SECTION 3. Section 411.199, Government Code, as amended by
14 this Act, applies only to an application for a license to carry a
15 handgun submitted on or after the effective date of this Act. An
16 application submitted before the effective date of this Act is
17 governed by the law in effect on the date the application was
18 submitted, and the former law is continued in effect for that
19 purpose.

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

ADOPTED

MAY 8 2019

Atty Gen
Secretary of the Senate

By: Flores

H.B. No. 2137

Substitute the following for ___B. No. _____:

By: Sidwell

C.S. H.B. No. 2137

A BILL TO BE ENTITLED

1

AN ACT

2 relating to an application made by certain retired state and
3 federal officers to obtain a license to carry a handgun; waiving a
4 fee.

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

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

9 (b) The person shall submit two complete sets of legible and
10 classifiable fingerprints and a sworn statement from the head of
11 the law enforcement agency employing the applicant. A head of a law
12 enforcement agency may not refuse to issue a statement under this
13 subsection. If the applicant alleges that the statement is untrue,
14 the department shall investigate the validity of the statement.
15 The statement must include:

- 16 (1) the name and rank of the applicant;
- 17 (2) the status of the applicant before retirement;
- 18 (3) whether or not the applicant was accused of
19 misconduct at the time of the retirement;
- 20 (4) the physical and mental condition of the
21 applicant;
- 22 (5) the type of weapons the applicant had demonstrated
23 proficiency with during the last year of employment;
- 24 (6) whether the applicant would be eligible for

1 reemployment with the agency, and if not, the reasons the applicant
2 is not eligible; ~~and~~

3 (7) a recommendation from the agency head regarding
4 the issuance of a license under this subchapter; and

5 (8) whether the applicant holds a current certificate
6 of proficiency under Section 1701.357, Occupations Code.

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

10 (e) An applicant under this section who complies with
11 Subsections (b) and (c) or Subsection (g), as applicable, and with
12 the other requirements of this subchapter is not required to
13 complete the classroom instruction portion of the handgun
14 proficiency course described by Section 411.188 to obtain a license
15 under this subchapter.

16 (e-1) An applicant described by Subsection (e) who holds a
17 current certificate of proficiency under Section 1701.357,
18 Occupations Code, is not required to complete the range instruction
19 portion of the handgun proficiency course described by Section
20 411.188 to obtain a license under this subchapter.

21 (f) A license issued under this subchapter to an applicant
22 under this section expires as provided by Section 411.183.

23 (g) A retired officer of the United States who was eligible
24 to carry a firearm in the discharge of the officer's official duties
25 is eligible to apply under this section for a license issued under
26 this subchapter [~~section~~]. An applicant described by this
27 subsection may submit the application at any time after retirement.

1 The applicant shall submit with the application proper proof of
2 retired status by presenting the following documents prepared by
3 the agency from which the applicant retired:

4 (1) retirement credentials; and

5 (2) a letter from the agency head stating the
6 applicant retired in good standing.

7 SECTION 2. Section 411.199, Government Code, as amended by
8 this Act, applies only to an application for a license to carry a
9 handgun submitted on or after the effective date of this Act. An
10 application submitted before the effective date of this Act is
11 governed by the law in effect on the date the application was
12 submitted, and the former law is continued in effect for that
13 purpose.

14 SECTION 3. This Act takes effect September 1, 2019.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 9, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB2137** by Burns (Relating to an application made by certain retired state and federal officers to obtain a license to carry a handgun; waiving a fee.), **As Passed 2nd House**

The fiscal implications of the bill cannot be determined at this time
--

According to the Comptroller of Public Accounts, the Department of Public Safety does not have data pertaining to the number of applicants for a license to carry a handgun who are retired state and federal officers. Absent this data on the total number of applicants subject to the bill's provisions, the fiscal impact cannot be determined.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: WP, SD, CMa, LBO, AI, SMi

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 1, 2019

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2137 by Burns (relating to an application made by certain retired state and federal officers to obtain a license to carry a handgun; waiving a fee.), **Committee Report 2nd House, Substituted**

The fiscal implications of the bill cannot be determined at this time
--

According to the Comptroller of Public Accounts, the Department of Public Safety does not have data pertaining to the number of applicants for a license to carry a handgun who are retired state and federal officers. Absent this data on the total number of applicants subject to the bill's provisions, the fiscal impact cannot be determined.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: WP, CMa, LBO, AI, SMi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 24, 2019

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2137 by Burns (Relating to an application made by certain retired state and federal officers to obtain a license to carry a handgun; waiving a fee.), **As Engrossed**

The fiscal implications of the bill cannot be determined at this time
--

According to the Comptroller of Public Accounts, the Department of Public Safety does not have data pertaining to the number of applicants for a license to carry a handgun who are retired state and federal officers. Absent this data on the total number of applicants subject to the bill's provisions, the fiscal impact cannot be determined.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: WP, CMa, LBO, AI, SMi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 3, 2019

TO: Honorable Poncho Nevárez, Chair, House Committee on Homeland Security & Public Safety

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB2137** by Burns (relating to an application made by certain retired state and federal officers to obtain a license to carry a handgun; waiving a fee.), **Committee Report 1st House, Substituted**

The fiscal implications of the bill cannot be determined at this time

According to the Comptroller of Public Accounts, the Department of Public Safety does not have data pertaining to the number of applicants for a license to carry a handgun who are retired state and federal officers. Absent this data on the total number of applicants subject to the bill's provisions, the fiscal impact cannot be determined.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: WP, LBO, AI, SMi

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 19, 2019

TO: Honorable Poncho Nevárez, Chair, House Committee on Homeland Security & Public Safety

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB2137** by Burns (Relating to an application made by certain retired state and federal officers to obtain a license to carry a handgun; waiving a fee.), **As Introduced**

The fiscal implications of the bill cannot be determined at this time

According to the Comptroller of Public Accounts, the Department of Public Safety does not have data pertaining to the number of applicants for a license to carry a handgun who are retired state and federal officers. Absent this data on the total number of applicants subject to the bill's provisions, the fiscal impact cannot be determined.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: WP, LBO, AI, SMi