

By: White, et al.

H.B. No. 821

Substitute the following for H.B. No. 821:

By: Hefner

C.S.H.B. No. 821

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility for a license to carry a handgun.

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

SECTION 1. Section 411.172(a), Government Code, is amended to read as follows:

(a) A person is eligible for a license to carry a handgun if the person:

(1) is a legal resident of this state for the six-month period preceding the date of application under this subchapter or is otherwise eligible for a license under Section 411.173(a);

(2) is at least 21 years of age;

(3) has not been convicted of a felony;

(4) is not ~~[charged with the commission of a Class A or Class B misdemeanor or equivalent offense, or of an offense under Section 42.01, Penal Code, or equivalent offense, or of a felony]~~ under an ~~[information or]~~ indictment for:

(A) a federal offense punishable by imprisonment for a term exceeding one year, other than antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices; or

(B) an offense under state law punishable by imprisonment for a term of more than two years;

(5) is not a fugitive from justice for a felony or a Class A or Class B misdemeanor or equivalent offense;

1           (6) is not ~~[a]~~ chemically dependent on a controlled  
2 substance ~~[person]~~;

3           (7) has not been involuntarily committed to a mental  
4 institution or adjudicated as a mental defective ~~[is not incapable~~  
5 ~~of exercising sound judgment with respect to the proper use and~~  
6 ~~storage of a handgun]~~;

7           (8) ~~[has not, in the five years preceding the date of~~  
8 ~~application, been convicted of a Class A or Class B misdemeanor or~~  
9 ~~equivalent offense or of an offense under Section 42.01, Penal~~  
10 ~~Code, or equivalent offense,~~

11           ~~[(9)]~~ is not prohibited by ~~[fully qualified under]~~  
12 applicable federal or ~~[and]~~ state law from possessing a firearm ~~[to~~  
13 ~~purchase a handgun]~~;

14           (9) is not illegally or unlawfully in the United  
15 States;

16           (10) has not been discharged from the United States  
17 armed forces under dishonorable conditions;

18           (11) has not renounced the person's United States  
19 citizenship;

20           (12) is not prohibited from possessing firearms for a  
21 misdemeanor crime of domestic violence under Section 46.04(b),  
22 Penal Code, or 18 U.S.C. Section 922(g)(9);

23           (13) ~~[(10) has not been finally determined to be~~  
24 ~~delinquent in making a child support payment administered or~~  
25 ~~collected by the attorney general,~~

26           ~~[(11) has not been finally determined to be delinquent~~  
27 ~~in the payment of a tax or other money collected by the comptroller,~~

1 ~~the tax collector of a political subdivision of the state, or any~~  
2 ~~agency or subdivision of the state;~~

3 ~~(12)~~ is not currently prohibited from possessing a  
4 firearm ~~[restricted]~~ under:

5 (A) a ~~[court]~~ protective order issued under Title  
6 4, Family Code, or Subchapter A or B, Chapter 7B, Code of Criminal  
7 Procedure;

8 (B) a protective order issued by another  
9 jurisdiction as provided by Chapter 88, Family Code; or

10 (C) a magistrate's order for emergency  
11 protection under Article 17.292, Code of Criminal Procedure  
12 ~~[subject to a restraining order affecting the spousal relationship,~~  
13 ~~other than a restraining order solely affecting property interests,~~

14 ~~(13) has not, in the 10 years preceding the date of~~  
15 ~~application, been adjudicated as having engaged in delinquent~~  
16 ~~conduct violating a penal law of the grade of felony]; and~~

17 (14) has not made any material misrepresentation, or  
18 failed to disclose any material fact, in an application submitted  
19 pursuant to Section 411.174.

20 SECTION 2. Sections 411.186(a), (c), and (d), Government  
21 Code, are amended to read as follows:

22 (a) The department shall revoke a license under this section  
23 if the license holder:

24 (1) was not entitled to the license at the time it was  
25 issued;

26 (2) made a material misrepresentation or failed to  
27 disclose a material fact in an application submitted under this

1 subchapter;

2 (3) subsequently becomes ineligible for a license  
3 under Section 411.172 [~~, unless the sole basis for the ineligibility~~  
4 ~~is that the license holder is charged with the commission of a Class~~  
5 ~~A or Class B misdemeanor or equivalent offense, or of an offense~~  
6 ~~under Section 42.01, Penal Code, or equivalent offense, or of a~~  
7 ~~felony under an information or indictment]; or~~

8 (4) [~~is convicted of an offense under Section 46.035,~~  
9 ~~Penal Code;~~

10 [~~(5) is determined by the department to have engaged~~  
11 ~~in conduct constituting a reason to suspend a license listed in~~  
12 ~~Section 411.187(a) after the person's license has been previously~~  
13 ~~suspended twice for the same reason; or~~

14 [~~(6)~~] submits an application fee that is dishonored or  
15 reversed if the applicant fails to submit a cashier's check or money  
16 order made payable to the "Texas Department of Public Safety [~~of the~~  
17 ~~State of Texas~~]" in the amount of the dishonored or reversed fee,  
18 plus \$25, within 30 days of being notified by the department that  
19 the fee was dishonored or reversed.

20 (c) A license holder whose license is revoked for a reason  
21 listed in Subsection (a)(1), (2), or (3) [~~Subsections (a)(1)-(5)~~]  
22 may reapply as a new applicant for the issuance of a license under  
23 this subchapter after the second anniversary of the date of the  
24 revocation if the cause for revocation does not exist on the date of  
25 the second anniversary. If the cause for revocation exists on the  
26 date of the second anniversary after the date of revocation, the  
27 license holder may not apply for a new license until the cause for

1 revocation no longer exists and has not existed for a period of two  
2 years.

3 (d) A license holder whose license is revoked under  
4 Subsection (a)(4) [~~(a)(6)~~] may reapply for an original or renewed  
5 license at any time, provided the application fee and a dishonored  
6 payment charge of \$25 is paid by cashier's check or money order made  
7 payable to the "Texas Department of Public Safety."

8 SECTION 3. Sections [411.187](#)(a) and (c), Government Code,  
9 are amended to read as follows:

10 (a) The department shall suspend a license under this  
11 section if the license holder:

12 (1) is charged with the commission of an offense and,  
13 if convicted of the offense, the person would be ineligible under  
14 federal or state law to possess a firearm [~~a Class A or Class B~~  
15 ~~misdemeanor or equivalent offense, or of an offense under Section~~  
16 ~~[42.01](#), Penal Code, or equivalent offense, or of a felony under an~~  
17 ~~information or indictment];~~

18 (2) fails to notify the department of a change of  
19 address, name, or status as required by Section [411.181](#); or

20 (3) [~~commits an act of family violence and~~] is the  
21 subject of an active protective order that causes the person to  
22 become ineligible under federal or state law to possess a firearm  
23 [~~rendered under Title 4, Family Code, or~~

24 [~~(4) is arrested for an offense involving family~~  
25 ~~violence or an offense under Section [42.072](#), Penal Code, and is the~~  
26 ~~subject of an order for emergency protection issued under Article~~  
27 ~~[17.292](#), Code of Criminal Procedure].~~

1 (c) The department shall suspend a license under this  
2 section:

3 (1) for 30 days, if the person's license is subject to  
4 suspension for a reason listed in Subsection (a)(2) [~~, (3), or (4),~~  
5 ~~except as provided by Subdivision (2)~~];

6 (2) [~~for not less than one year and not more than three~~  
7 ~~years, if the person's license:~~

8 [~~(A) is subject to suspension for a reason listed~~  
9 ~~in Subsection (a), other than the reason listed in Subsection~~  
10 ~~(a)(1), and~~

11 [~~(B) has been previously suspended for the same~~  
12 ~~reason,~~

13 [~~(3)~~] until dismissal of the charges, if the person's  
14 license is subject to suspension for the reason listed in  
15 Subsection (a)(1); or

16 (3) [~~(4)~~] for the duration of or the period specified  
17 by[~~+~~

18 [~~(A)~~] the protective order [~~issued under Title 4,~~  
19 ~~Family Code,~~] if the person's license is subject to suspension for  
20 the reason listed in Subsection (a)(3) [~~(a)(5), or~~

21 [~~(B) the order for emergency protection issued under~~  
22 ~~Article 17.292, Code of Criminal Procedure, if the person's license~~  
23 ~~is subject to suspension for the reason listed in Subsection~~  
24 ~~(a)(6)].~~

25 SECTION 4. Section [411.201\(c\)](#), Government Code, is amended  
26 to read as follows:

27 (c) An active judicial officer is eligible for a license to

1 carry a handgun under the authority of this subchapter. A retired  
2 judicial officer is eligible for a license to carry a handgun under  
3 the authority of this subchapter if the officer meets the  
4 requirements under Section 411.172[+]

5 ~~[(1) has not been convicted of a felony;~~

6 ~~[(2) has not, in the five years preceding the date of~~  
7 ~~application, been convicted of a Class A or Class B misdemeanor or~~  
8 ~~equivalent offense;~~

9 ~~[(3) is not charged with the commission of a Class A or~~  
10 ~~Class B misdemeanor or equivalent offense or of a felony under an~~  
11 ~~information or indictment;~~

12 ~~[(4) is not a chemically dependent person; and~~

13 ~~[(5) is not a person of unsound mind].~~

14 SECTION 5. The following provisions of the Government Code  
15 are repealed:

16 (1) Sections 411.171(2), (4), and (6);

17 (2) Section 411.1711;

18 (3) Sections 411.172(b), (b-1), (c), (d), (e), and  
19 (f); and

20 (4) Section 411.206(c).

21 SECTION 6. The changes in law made by this Act to Sections  
22 411.172 and 411.201, Government Code, apply only to an application  
23 for the issuance, modification, or renewal of a license that is  
24 submitted to the Department of Public Safety on or after the  
25 effective date of this Act. An application submitted before the  
26 effective date of this Act is governed by the law in effect on the  
27 date the application was submitted, and the former law is continued

1 in effect for that purpose.

2 SECTION 7. The changes in law made by this Act to Sections  
3 [411.186](#) and [411.187](#), Government Code, apply only to an  
4 administrative or judicial determination concerning the revocation  
5 or suspension of a license to carry a handgun that is made on or  
6 after the effective date of this Act. An administrative or judicial  
7 determination made before the effective date of this Act is  
8 governed by the law in effect on the date the determination was  
9 made, and the former law is continued in effect for that purpose.

10 SECTION 8. This Act takes effect September 1, 2021.