

By: White

H.B. No. 2440

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 411.171(4), Government Code, is amended to read as follows:

(4) "Convicted" means an adjudication of guilt or ~~except as provided in Section 411.1711,~~ an order of deferred adjudication entered against a person by a court of competent jurisdiction regardless of whether ~~or not~~ the imposition of the sentence is subsequently probated and the person is discharged from community supervision. The term does not include an adjudication of guilt or an order of deferred adjudication that has been subsequently:

(A) expunged;

(B) pardoned under the authority of a state or federal official; or

(C) otherwise vacated, set aside, annulled, invalidated, voided, or sealed under any state or federal law.

SECTION 2. 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

1 is otherwise eligible for a license under Section 411.173(a);

2 (2) is at least 21 years of age;

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

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

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

10 ~~[(6) is not a chemically dependent person;~~

11 ~~[(7) is not incapable of exercising sound judgment~~
12 ~~with respect to the proper use and storage of a handgun;~~

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

17 ~~[(9)] is not prohibited by ~~[fully qualified under]~~~~

18 applicable federal or ~~[and]~~ state law from possessing ~~[to purchase]~~

19 a firearm ~~[handgun]~~;

20 ~~[(10) has not been finally determined to be delinquent~~
21 ~~in making a child support payment administered or collected by the~~
22 ~~attorney general;~~

23 ~~[(11) has not been finally determined to be delinquent~~
24 ~~in the payment of a tax or other money collected by the comptroller,~~
25 ~~the tax collector of a political subdivision of the state, or any~~
26 ~~agency or subdivision of the state;~~

27 ~~[(12) is not currently restricted under a court~~

1 ~~protective order or subject to a restraining order affecting the~~
2 ~~spousal relationship, other than a restraining order solely~~
3 ~~affecting property interests,~~

4 ~~[(13) has not, in the 10 years preceding the date of~~
5 ~~application, been adjudicated as having engaged in delinquent~~
6 ~~conduct violating a penal law of the grade of felony,] and~~

7 (4) ~~[(14)]~~ has not made any material
8 misrepresentation, or failed to disclose any material fact, in an
9 application submitted pursuant to Section [411.174](#).

10 SECTION 3. Sections [411.186](#)(a), (c), and (d), Government
11 Code, are amended to read as follows:

12 (a) The department shall revoke a license under this section
13 if the license holder:

14 (1) was not entitled to the license at the time it was
15 issued;

16 (2) made a material misrepresentation or failed to
17 disclose a material fact in an application submitted under this
18 subchapter;

19 (3) subsequently becomes ineligible for a license
20 under Section [411.172](#) ~~[, unless the sole basis for the ineligibility~~
21 ~~is that the license holder is charged with the commission of a Class~~
22 ~~A or Class B misdemeanor or equivalent offense, or of an offense~~
23 ~~under Section [42.01](#), Penal Code, or equivalent offense, or of a~~
24 ~~felony under an information or indictment]; or~~

25 (4) ~~[is convicted of an offense under Section [46.035](#),~~
26 ~~Penal Code,~~

27 ~~[(5) is determined by the department to have engaged~~

1 ~~in conduct constituting a reason to suspend a license listed in~~
2 ~~Section 411.187(a) after the person's license has been previously~~
3 ~~suspended twice for the same reason; or~~

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

10 (c) A license holder whose license is revoked for a reason
11 listed in Subsection (a)(1), (2), or (3) [~~Subsections (a)(1)-(5)~~]
12 may reapply as a new applicant for the issuance of a license under
13 this subchapter after the second anniversary of the date of the
14 revocation if the cause for revocation does not exist on the date of
15 the second anniversary. If the cause for revocation exists on the
16 date of the second anniversary after the date of revocation, the
17 license holder may not apply for a new license until the cause for
18 revocation no longer exists and has not existed for a period of two
19 years.

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

25 SECTION 4. Sections 411.187(a) and (c), Government Code,
26 are amended to read as follows:

27 (a) The department shall suspend a license under this

1 section if the license holder:

2 (1) is charged with the commission of an offense and,
3 if convicted of the offense, the person would be ineligible under
4 federal or state law to possess a firearm [~~a Class A or Class B~~
5 ~~misdemeanor or equivalent offense, or of an offense under Section~~
6 ~~42.01, Penal Code, or equivalent offense, or of a felony under an~~
7 ~~information or indictment];~~

8 (2) fails to notify the department of a change of
9 address, name, or status as required by Section 411.181; or

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

14 [~~(4) is arrested for an offense involving family~~
15 ~~violence or an offense under Section 42.072, Penal Code, and is the~~
16 ~~subject of an order for emergency protection issued under Article~~
17 ~~17.292, Code of Criminal Procedure].~~

18 (c) The department shall suspend a license under this
19 section:

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

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

25 [~~(A) is subject to suspension for a reason listed~~
26 ~~in Subsection (a), other than the reason listed in Subsection~~
27 ~~(a)(1), and~~

1 ~~[(B) has been previously suspended for the same~~
2 ~~reason,~~

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

6 (3) ~~[(4)]~~ for the duration of or the period specified
7 by~~+~~

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

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

15 SECTION 5. Section 411.201(c), Government Code, is amended
16 to read as follows:

17 (c) An active judicial officer is eligible for a license to
18 carry a handgun under the authority of this subchapter. A retired
19 judicial officer is eligible for a license to carry a handgun under
20 the authority of this subchapter if the officer meets the
21 requirements under Section 411.172~~+~~

22 ~~[(1) has not been convicted of a felony,~~
23 ~~[(2) has not, in the five years preceding the date of~~
24 ~~application, been convicted of a Class A or Class B misdemeanor or~~
25 ~~equivalent offense,~~

26 ~~[(3) is not charged with the commission of a Class A or~~
27 ~~Class B misdemeanor or equivalent offense or of a felony under an~~

1 ~~information or indictment,~~

2 ~~[(4) is not a chemically dependent person, and~~

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

4 SECTION 6. The following provisions of the Government Code
5 are repealed:

6 (1) Sections 411.171(2) and (6);

7 (2) Section 411.1711;

8 (3) Sections 411.172(b), (b-1), (c), (d), (e), and
9 (f); and

10 (4) Section 411.206(c).

11 SECTION 7. The changes in law made by this Act to Sections
12 411.172 and 411.201, Government Code, apply only to an application
13 for the issuance, modification, or renewal of a license that is
14 submitted to the Department of Public Safety on or after the
15 effective date of this Act. An application submitted before the
16 effective date of this Act is governed by the law in effect on the
17 date the application was submitted, and the former law is continued
18 in effect for that purpose.

19 SECTION 8. The changes in law made by this Act to Sections
20 411.186 and 411.187, Government Code, apply only to an
21 administrative or judicial determination concerning the revocation
22 or suspension of a license to carry a handgun that is made on or
23 after the effective date of this Act. An administrative or judicial
24 determination made before the effective date of this Act is
25 governed by the law in effect on the date the determination was
26 made, and the former law is continued in effect for that purpose.

27 SECTION 9. This Act takes effect September 1, 2021.