

By: Guillen, Morales of Maverick, Toth

H.B. No. 2675

Substitute the following for H.B. No. 2675:

By: White

C.S.H.B. No. 2675

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a license to carry a handgun for a person who is at
3 increased risk of becoming a victim of violence.

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

5 SECTION 1. Section [411.177](#), Government Code, is amended by
6 amending Subsections (b) and (c) and adding Subsections (b-1),
7 (b-2), and (b-3) to read as follows:

8 (b) Except as otherwise provided by Subsection (b-1), the
9 ~~[The]~~ department shall, not later than the 60th day after the date
10 of the receipt by the director's designee of the completed
11 application materials:

12 (1) issue the license;

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

15 (A) on the grounds that the applicant failed to
16 qualify under the criteria listed in Section [411.172](#);

17 (B) based on the affidavit of the director's
18 designee submitted to the department under Section [411.176\(c\)](#); or

19 (C) based on the affidavit of the qualified
20 handgun instructor submitted to the department under Section
21 [411.188\(k\)](#); or

22 (3) notify the applicant in writing that the
23 department is unable to make a determination regarding the issuance
24 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 additional period [~~amount of time~~] the department will need to make
4 the determination.

5 (b-1) If the applicant submits with the completed
6 application materials an application for a designation under
7 Section 411.184, the department shall, without charging an
8 additional fee, expedite the application. Not later than the 10th
9 day after the receipt of the materials under this subsection, the
10 department shall:

- 11 (1) issue the license with the designation; or
12 (2) notify the applicant in writing that the applicant
13 is not eligible for the designation under Section 411.184 and the
14 application for the license will be processed in the regular course
15 of business.

16 (b-2) Notwithstanding Subsection (b-1), if the department
17 determines that the applicant is eligible for the designation under
18 Section 411.184 but is unable to quickly make a determination
19 regarding the issuance or denial of a license to the applicant, the
20 department shall provide written notice of that fact to the
21 applicant and shall include in that notice an explanation of the
22 reason for the inability and an estimation of the additional period
23 the department will need to make the determination.

24 (b-3) The director shall adopt policies for expedited
25 processing under Subsection (b-1).

26 (c) Failure of the department to issue or deny a license for
27 a period of more than 30 days after the department is required to

1 act under Subsection (b) constitutes denial, regardless of whether
2 the applicant was eligible for expedited processing of the
3 application under Subsection (b-1).

4 SECTION 2. Section 411.179(a), Government Code, is amended
5 to read as follows:

6 (a) The department by rule shall adopt the form of the
7 license. A license must include:

8 (1) a number assigned to the license holder by the
9 department;

10 (2) a statement of the period for which the license is
11 effective;

12 (3) a photograph of the license holder;

13 (4) the license holder's full name, date of birth, hair
14 and eye color, height, weight, and signature;

15 (5) the license holder's residence address or, as
16 provided by Subsection (d), the street address of the courthouse in
17 which the license holder or license holder's spouse serves as a
18 federal judge or the license holder serves as a state judge;

19 (6) the number of a driver's license or an
20 identification certificate issued to the license holder by the
21 department; ~~and~~

22 (7) the designation "VETERAN" if required under
23 Subsection (e); and

24 (8) any at-risk designation for which the license
25 holder has established eligibility under Section 411.184.

26 SECTION 3. Subchapter H, Chapter 411, Government Code, is
27 amended by adding Section 411.184 to read as follows:

1 Sec. 411.184. AT-RISK DESIGNATION. (a) The department
2 shall develop a procedure for persons who are at increased risk of
3 becoming a victim of violence to:

4 (1) obtain a handgun license on an expedited basis, if
5 the person is not already a license holder; and

6 (2) qualify for an at-risk designation on the license.

7 (b) A person is eligible for an at-risk designation under
8 this section if:

9 (1) the person is protected under, or a member of the
10 person's household or family is protected under:

11 (A) a temporary restraining order or temporary
12 injunction issued under Subchapter F, Chapter 6, Family Code;

13 (B) a temporary ex parte order issued under
14 Chapter 83, Family Code;

15 (C) a protective order issued under Chapter 85,
16 Family Code;

17 (D) a protective order issued under Chapter 7B,
18 Code of Criminal Procedure; or

19 (E) a magistrate's order for emergency
20 protection issued under Article 17.292, Code of Criminal Procedure;

21 or

22 (2) the person participates in the address
23 confidentiality program under Subchapter B, Chapter 58, Code of
24 Criminal Procedure.

25 (c) The director may adopt rules to accept alternative
26 documentation not described by Subsection (b) that shows that the
27 person is at increased risk of becoming a victim of violence.

1 (d) A person may receive an at-risk designation under this
2 section if the person submits to the department, in the form and
3 manner provided by the department:

4 (1) an application for the designation;

5 (2) evidence of the increased risk of becoming a
6 victim of violence, as provided by Subsection (b) or rules adopted
7 under Subsection (c); and

8 (3) any other information that the department may
9 require.

10 (e) A license holder may apply for the designation under
11 this section by making an application for a duplicate license. A
12 person who is not a license holder may apply for the designation
13 with the person's application for an original license to carry a
14 handgun.

15 (f) A person with a designation granted under this section
16 shall annually certify that the person continues to qualify for the
17 designation and shall submit to the department any information the
18 department requires to verify the person's continuing eligibility.
19 A person who no longer qualifies for the designation under this
20 section shall immediately notify the department.

21 (g) If based on the information received under Subsection
22 (f) the department determines that the person is no longer eligible
23 for a designation under this section, the department shall notify
24 the person and issue to the person a duplicate license without a
25 designation.

26 (h) On receipt of a duplicate license without a designation
27 under Subsection (g), the license holder shall return the license

1 with the designation to the department.

2 (i) The department may not charge a fee for issuing a
3 duplicate license with a designation under this section or for
4 issuing a duplicate license without a designation if the person no
5 longer qualifies for the designation. If a person applies for a
6 designation at the same time the person applies for an original
7 license under this subchapter, the department may charge only the
8 licensing fee.

9 SECTION 4. The public safety director of the Department of
10 Public Safety shall adopt the rules necessary to implement Section
11 411.184, Government Code, as added by this Act, not later than
12 December 1, 2021.

13 SECTION 5. (a) Section 411.177, Government Code, as
14 amended by this Act, applies only to an application for a license to
15 carry a handgun for which the completed application materials are
16 received by the Department of Public Safety on or after January 1,
17 2022.

18 (b) The Department of Public Safety may not accept an
19 application for or grant a designation under Section 411.184,
20 Government Code, as added by this Act, before January 1, 2022.

21 SECTION 6. This Act takes effect September 1, 2021.