

1-1 By: Huffman S.B. No. 2247
 1-2 (In the Senate - Filed May 4, 2021; May 5, 2021, read first
 1-3 time and referred to Committee on Finance; May 11, 2021, reported
 1-4 favorably by the following vote: Yeas 10, Nays 2; May 11, 2021,
 1-5 sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Nelson	X			
1-8 Lucio		X		
1-9 Bettencourt	X			
1-10 Buckingham	X			
1-11 Campbell	X			
1-12 Creighton			X	
1-13 Hancock	X			
1-14 Huffman	X			
1-15 Kolkhorst	X			
1-16 Nichols			X	
1-17 Perry	X			
1-18 Schwertner	X			
1-19 Taylor	X			
1-20 West		X		
1-21 Whitmire			X	

1-23 A BILL TO BE ENTITLED
 1-24 AN ACT

1-25 relating to the removal of a fee for the issuance of an original,
 1-26 duplicate, modified, or renewed license to carry a handgun.
 1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-28 SECTION 1. Section 411.0625(c), Government Code, is amended
 1-29 to read as follows:
 1-30 (c) The department shall adopt rules to establish a
 1-31 procedure by which a resident of the state may apply for and be
 1-32 issued a Capitol access pass. Rules adopted under this section
 1-33 must include provisions for eligibility, application, approval,
 1-34 issuance, and renewal that:
 1-35 (1) require the department to conduct the same
 1-36 background check on an applicant for a Capitol access pass that is
 1-37 conducted on an applicant for a license to carry a handgun under
 1-38 Subchapter H;
 1-39 (2) enable the department to conduct the background
 1-40 check described by Subdivision (1); and
 1-41 (3) establish application and renewal fees in amounts
 1-42 sufficient to cover the cost of administering this section[, not to
 1-43 exceed the amounts of similar fees required under Section 411.174
 1-44 for a license to carry a handgun].
 1-45 SECTION 2. Section 411.173(a), Government Code, is amended
 1-46 to read as follows:
 1-47 (a) The department by rule shall establish a procedure for a
 1-48 person who meets the eligibility requirements of this subchapter
 1-49 other than the residency requirement established by Section
 1-50 411.172(a)(1) to obtain a license under this subchapter if the
 1-51 person is a legal resident of another state or if the person
 1-52 relocates to this state with the intent to establish residency in
 1-53 this state. [~~The procedure must include payment of a fee in an
 1-54 amount sufficient to recover the average cost to the department of
 1-55 obtaining a criminal history record check and investigation on a
 1-56 nonresident applicant.~~] A license issued in accordance with the
 1-57 procedure established under this subsection:
 1-58 (1) remains in effect until the license expires under
 1-59 Section 411.183; and
 1-60 (2) may be renewed under Section 411.185.
 1-61 SECTION 3. Section 411.174(a), Government Code, is amended

2-1 to read as follows:

2-2 (a) An applicant for a license to carry a handgun must
2-3 submit to the director's designee described by Section 411.176:

2-4 (1) a completed application on a form provided by the
2-5 department that requires only the information listed in Subsection
2-6 (b);

2-7 (2) one or more photographs of the applicant that meet
2-8 the requirements of the department;

2-9 (3) a certified copy of the applicant's birth
2-10 certificate or certified proof of age;

2-11 (4) proof of residency in this state;

2-12 (5) two complete sets of legible and classifiable
2-13 fingerprints of the applicant taken by a person appropriately
2-14 trained in recording fingerprints who is employed by a law
2-15 enforcement agency or by a private entity designated by a law
2-16 enforcement agency as an entity qualified to take fingerprints of
2-17 an applicant for a license under this subchapter;

2-18 (6) ~~[a nonrefundable application and license fee of~~
2-19 ~~\$40 paid to the department;~~

2-20 ~~[(7)]~~ evidence of handgun proficiency, in the form and
2-21 manner required by the department;

2-22 (7) ~~[(8)]~~ an affidavit signed by the applicant stating
2-23 that the applicant:

2-24 (A) has read and understands each provision of
2-25 this subchapter that creates an offense under the laws of this state
2-26 and each provision of the laws of this state related to use of
2-27 deadly force; and

2-28 (B) fulfills all the eligibility requirements
2-29 listed under Section 411.172; and

2-30 (8) ~~[(9)]~~ a form executed by the applicant that
2-31 authorizes the director to make an inquiry into any noncriminal
2-32 history records that are necessary to determine the applicant's
2-33 eligibility for a license under Section 411.172(a).

2-34 SECTION 4. Section 411.179, Government Code, is amended by
2-35 amending Subsection (e) and adding Subsection (f) to read as
2-36 follows:

2-37 (e) ~~[In this subsection, "veteran" has the meaning assigned~~
2-38 ~~by Section 411.1951.]~~ The department shall include the designation
2-39 "VETERAN" on the face of any original, duplicate, modified, or
2-40 renewed license under this subchapter or on the reverse side of the
2-41 license, as determined by the department, if the license is issued
2-42 to a veteran who:

2-43 (1) requests the designation; and

2-44 (2) provides proof sufficient to the department of the
2-45 veteran's military service and honorable discharge.

2-46 (f) For purposes of Subsection (e), "veteran" means a person
2-47 who:

2-48 (1) has served in:

2-49 (A) the army, navy, air force, coast guard, or
2-50 marine corps of the United States;

2-51 (B) the Texas military forces as defined by
2-52 Section 437.001; or

2-53 (C) an auxiliary service of one of those branches
2-54 of the armed forces; and

2-55 (2) has been honorably discharged from the branch of
2-56 the service in which the person served.

2-57 SECTION 5. Section 411.181(h), Government Code, is amended
2-58 to read as follows:

2-59 (h) If a license holder is required under this section to
2-60 apply for a duplicate license and the license expires not later than
2-61 the 60th day after the date of the loss, theft, or destruction of
2-62 the license, the applicant may renew the license with the modified
2-63 information included on the new license. ~~[The applicant must pay~~
2-64 ~~only the nonrefundable renewal fee.]~~

2-65 SECTION 6. Section 411.185(a), Government Code, is amended
2-66 to read as follows:

2-67 (a) To renew a license, a license holder must, on or before
2-68 the date the license expires, submit to the department by mail or,
2-69 in accordance with the procedure adopted under Subsection (f), on

3-1 the Internet:

3-2 (1) a renewal application on a form provided by the
3-3 department;

3-4 [~~(2) payment of a nonrefundable renewal fee of \$40,~~]
3-5 and

3-6 (2) [~~(3)~~] the informational form described by
3-7 Subsection (c) signed or electronically acknowledged by the
3-8 applicant.

3-9 SECTION 7. Sections 411.186(a) and (c), Government Code,
3-10 are amended to read as follows:

3-11 (a) The department shall revoke a license under this section
3-12 if the license holder:

3-13 (1) was not entitled to the license at the time it was
3-14 issued;

3-15 (2) made a material misrepresentation or failed to
3-16 disclose a material fact in an application submitted under this
3-17 subchapter;

3-18 (3) subsequently becomes ineligible for a license
3-19 under Section 411.172, unless the sole basis for the ineligibility
3-20 is that the license holder is charged with the commission of a Class
3-21 A or Class B misdemeanor or equivalent offense, or of an offense
3-22 under Section 42.01, Penal Code, or equivalent offense, or of a
3-23 felony under an information or indictment;

3-24 (4) is convicted of an offense under Section 46.035,
3-25 Penal Code; or

3-26 (5) is determined by the department to have engaged in
3-27 conduct constituting a reason to suspend a license listed in
3-28 Section 411.187(a) after the person's license has been previously
3-29 suspended twice for the same reason[~~, or~~

3-30 [~~(6) submits an application fee that is dishonored or
3-31 reversed if the applicant fails to submit a cashier's check or money
3-32 order made payable to the "Department of Public Safety of the State
3-33 of Texas" in the amount of the dishonored or reversed fee, plus \$25,
3-34 within 30 days of being notified by the department that the fee was
3-35 dishonored or reversed].~~

3-36 (c) A license holder whose license is revoked for a reason
3-37 listed in Subsection (a) [~~Subsections (a)(1)-(5)~~] may reapply as a
3-38 new applicant for the issuance of a license under this subchapter
3-39 after the second anniversary of the date of the revocation if the
3-40 cause for revocation does not exist on the date of the second
3-41 anniversary. If the cause for revocation exists on the date of the
3-42 second anniversary after the date of revocation, the license holder
3-43 may not apply for a new license until the cause for revocation no
3-44 longer exists and has not existed for a period of two years.

3-45 SECTION 8. Section 411.190(c), Government Code, is amended
3-46 to read as follows:

3-47 (c) In the manner applicable to a person who applies for a
3-48 license to carry a handgun, the department shall conduct a
3-49 background check of a person who applies for certification as a
3-50 qualified handgun instructor or approved online course provider.
3-51 If the background check indicates that the applicant for
3-52 certification would not qualify to receive a handgun license, the
3-53 department may not certify the applicant as a qualified handgun
3-54 instructor or approved online course provider. If the background
3-55 check indicates that the applicant for certification would qualify
3-56 to receive a handgun license, the department shall provide handgun
3-57 instructor or online course provider training to the applicant.
3-58 The applicant shall pay a fee of \$100 to the department for the
3-59 training. The applicant must take and successfully complete the
3-60 training offered by the department and pay the training fee before
3-61 the department may certify the applicant as a qualified handgun
3-62 instructor or approved online course provider. The department
3-63 shall issue a license to carry a handgun under the authority of this
3-64 subchapter to any person who is certified as a qualified handgun
3-65 instructor or approved online course provider [~~and who pays to the
3-66 department a fee of \$40 in addition to the training fee].~~ The
3-67 department by rule may prorate or waive the training fee for an
3-68 employee of another governmental entity.

3-69 SECTION 9. Sections 411.201(d) and (h), Government Code,

4-1 are amended to read as follows:

4-2 (d) An applicant for a license who is an active or retired
4-3 judicial officer must submit to the department:

4-4 (1) a completed application, including all required
4-5 affidavits, on a form prescribed by the department;

4-6 (2) one or more photographs of the applicant that meet
4-7 the requirements of the department;

4-8 (3) two complete sets of legible and classifiable
4-9 fingerprints of the applicant, including one set taken by a person
4-10 employed by a law enforcement agency who is appropriately trained
4-11 in recording fingerprints;

4-12 (4) evidence of handgun proficiency, in the form and
4-13 manner required by the department for an applicant under this
4-14 section;

4-15 [~~(5) a nonrefundable application and license fee of~~
4-16 ~~\$25,~~] and

4-17 (5) [~~(6)~~] if the applicant is a retired judicial
4-18 officer, a form executed by the applicant that authorizes the
4-19 department to make an inquiry into any noncriminal history records
4-20 that are necessary to determine the applicant's eligibility for a
4-21 license under this subchapter.

4-22 (h) The department shall issue a license to carry a handgun
4-23 under the authority of this subchapter to a United States attorney
4-24 or an assistant United States attorney, or to an attorney elected or
4-25 employed to represent the state in the prosecution of felony cases,
4-26 who meets the requirements of this section for an active judicial
4-27 officer. [~~The department shall waive any fee required for the~~
4-28 ~~issuance of an original, duplicate, or renewed license under this~~
4-29 ~~subchapter for an applicant who is a United States attorney or an~~
4-30 ~~assistant United States attorney or who is an attorney elected or~~
4-31 ~~employed to represent the state in the prosecution of felony~~
4-32 ~~cases.~~]

4-33 SECTION 10. Section 118.011(b), Local Government Code, is
4-34 amended to read as follows:

4-35 (b) The county clerk may set and collect the following fee
4-36 from any person:

4-37 (1) Returned Check (Sec. 118.0215) not
4-38 less than \$15 or more than \$30

4-39 (2) Records Management and Preservation Fee (Sec.
4-40 118.0216) not more than \$10

4-41 (3) [~~Mental Health Background Check for License to~~
4-42 ~~Carry a Handgun (Sec. 118.0217) not more than \$2~~

4-43 [~~(4)~~] Marriage License for Out-of-State Applicants
4-44 (Sec. 118.018) \$100

4-45 SECTION 11. The following provisions are repealed:

4-46 (1) Sections 411.181(d) and (i), 411.186(d), 411.194,
4-47 411.195, 411.1951, 411.1953, 411.1954, 411.199(d), 411.1991(c),
4-48 411.1992(d), 411.1993(e), and 411.1994(d), Government Code; and

4-49 (2) Section 118.0217, Local Government Code.

4-50 SECTION 12. The change in law made by this Act applies only
4-51 to an applicant for an original, duplicate, modified, or renewed
4-52 license to carry a handgun under Subchapter H, Chapter 411,
4-53 Government Code, as amended by this Act, who submits the
4-54 application on or after the effective date of this Act.

4-55 SECTION 13. This Act takes effect September 1, 2021.

4-56 * * * * *