

By: Slaton

H.B. No. 4526

A BILL TO BE ENTITLED

AN ACT

relating to the application requirements for a license to carry a handgun.

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

SECTION 1. Section 411.174(a), Government Code, is amended to read as follows:

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

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

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

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

(4) proof of residency in this state;

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

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

1 (6) [~~(7)~~] evidence of handgun proficiency, in the form
2 and manner required by the department;

3 (7) [~~(8)~~] an affidavit signed by the applicant stating
4 that the applicant:

5 (A) has read and understands each provision of
6 this subchapter that creates an offense under the laws of this state
7 and each provision of the laws of this state related to use of
8 deadly force; and

9 (B) fulfills all the eligibility requirements
10 listed under Section 411.172; and

11 (8) [~~(9)~~] a form executed by the applicant that
12 authorizes the director to make an inquiry into any noncriminal
13 history records that are necessary to determine the applicant's
14 eligibility for a license under Section 411.172(a).

15 SECTION 2. Section 411.176(b), Government Code, is amended
16 to read as follows:

17 (b) The director's designee as needed shall conduct an
18 additional criminal history record check of the applicant and an
19 investigation of the applicant's local official records to verify
20 the accuracy of the application materials. The director's designee
21 may access any records necessary for purposes of this subsection.
22 The scope of the record check and the investigation are at the sole
23 discretion of the department, except that the director's designee
24 shall complete the record check and investigation not later than
25 the 60th day after the date the department receives the application
26 materials. The department shall contact [~~send a fingerprint card~~
27 ~~to~~] the Federal Bureau of Investigation to obtain [~~for~~] a national

1 criminal history check of the applicant. On completion of the
2 investigation, the director's designee shall return all materials
3 and the result of the investigation to the appropriate division of
4 the department at its Austin headquarters.

5 SECTION 3. Section 411.199(b), Government Code, is amended
6 to read as follows:

7 (b) The person shall submit [~~two complete sets of legible~~
8 ~~and classifiable fingerprints and~~] a sworn statement from the head
9 of the law enforcement agency that employed the applicant or other
10 former employer of the applicant, as applicable. A head of a law
11 enforcement agency or other former employer may not refuse to issue
12 a statement under this subsection. If the applicant alleges that
13 the statement is untrue, the department shall investigate the
14 validity of the statement. The statement must include:

15 (1) the name and rank of the applicant;
16 (2) the status of the applicant before retirement;
17 (3) whether the applicant was accused of misconduct at
18 the time of the retirement;

19 (4) the physical and mental condition of the
20 applicant;

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

23 (6) whether the applicant would be eligible for
24 reemployment with the agency or employer, and if not, the reasons
25 the applicant is not eligible;

26 (7) a recommendation from the agency head or the
27 employer regarding the issuance of a license under this subchapter;

1 and

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

4 SECTION 4. Section 411.1992(b), Government Code, is amended
5 to read as follows:

6 (b) The applicant shall submit to the department [~~two~~
7 ~~complete sets of legible and classifiable fingerprints and~~] a sworn
8 statement from the head of the law enforcement agency at which the
9 applicant last served as a reserve law enforcement officer. A head
10 of a law enforcement agency may not refuse to issue a statement
11 under this subsection. If the applicant alleges that the statement
12 is untrue, the department shall investigate the validity of the
13 statement. The statement must include:

14 (1) the name and rank of the applicant;

15 (2) the status of the applicant;

16 (3) whether the applicant was accused of misconduct at
17 any time during the applicant's term of service and the disposition
18 of that accusation;

19 (4) a description of the physical and mental condition
20 of the applicant;

21 (5) a list of the types of weapons the applicant
22 demonstrated proficiency with during the applicant's term of
23 service; and

24 (6) a recommendation from the agency head regarding
25 the issuance of a license under this subchapter.

26 SECTION 5. Section 411.201(d), Government Code, is amended
27 to read as follows:

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

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

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

~~(3) [two complete sets of legible and classifiable fingerprints of the applicant, including one set taken by a person employed by a law enforcement agency who is appropriately trained in recording fingerprints,~~

~~[(4)]~~ evidence of handgun proficiency, in the form and manner required by the department for an applicant under this section;

(4) ~~[(5)]~~ a nonrefundable application and license fee of \$25; and

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

SECTION 6. Section [118.0217](#)(a), Local Government Code, is amended to read as follows:

(a) The fee for a "mental health background check for license to carry a handgun" is for a check, conducted by the county clerk at the request of the Texas Department of Public Safety, of the county records involving the mental condition of a person who applies for a license to carry a handgun under Subchapter [H](#), Chapter

1 411, Government Code. The fee, not to exceed \$2, will be paid from
2 the application fee submitted to the Department of Public Safety
3 according to Section 411.174(a)(5) [~~411.174(a)(6)~~], Government
4 Code.

5 SECTION 7. Section 411.175, Government Code, is repealed.

6 SECTION 8. The change in law made by this Act applies only
7 to an applicant for a license to carry a handgun under Subchapter H,
8 Chapter 411, Government Code, as amended by this Act, who submits
9 the application for the license on or after the effective date of
10 this Act.

11 SECTION 9. This Act takes effect September 1, 2023.