

Amend **CSHB 2730** (Senate committee printing) as follows:

(1) In SECTION 11.01 of the bill, in amended Section 411.1711(1), Government Code (page 43, line 34), strike "an" and substitute "a felony ~~an~~".

(2) In SECTION 11.01 of the bill, in amended Section 411.1711(1), Government Code (page 43, lines 36-39), strike proposed Paragraphs (B) and (C) and substitute:

(B) [~~7-01~~] Chapter 29, Penal Code;

(C) Section 25.07, Penal Code; or

(D) Section 30.02, Penal Code, if the offense is punishable under Subsection (c)(2) or (d) of that section; or

(3) In SECTION 11.02 of the bill (page 43, lines 43-44), strike the recital and substitute the following:

SECTION 11.02. Section 411.172, Government Code, is amended by amending Subsections (a), (b), (d), and (e) and adding Subsection (b-1) to read as follows:

(4) In SECTION 11.02 of the bill, in amended Section 411.172(a), Government Code (page 44, lines 1-6), strike Subdivision (12) and substitute:

~~[(12) has not been finally determined to be in default on a loan made under Chapter 57, Education Code,]~~

(5) In SECTION 11.02 of the bill, in amended Section 411.172(a)(13), Government Code (page 44, line 7), strike "(13)" and substitute "(12) [~~(13)~~]".

(6) In SECTION 11.02 of the bill, in amended Section 411.172(a)(14), Government Code (page 44, line 11), strike "(14)" and substitute "(13) [~~(14)~~]".

(7) In SECTION 11.02 of the bill, in amended Section 411.172(a)(15), Government Code (page 44, line 14), strike "(15)" and substitute "(14) [~~(15)~~]".

(8) In SECTION 11.02 of the bill, in amended Section 411.172, Government Code (page 44, between lines 17 and 18), insert the following new subsections between Subsections (a) and (d):

(b) For the purposes of this section, an offense under the laws of this state, another state, or the United States is:

(1) except as provided by Subsection (b-1), a felony if the offense, at the time the offense is committed ~~[of a person's application for a license to carry a concealed handgun]:~~

(A) is designated by a law of this state as a felony;

(B) contains all the elements of an offense

designated by a law of this state as a felony; or

(C) is punishable by confinement for one year or more in a penitentiary; and

(2) a Class A misdemeanor if the offense is not a felony and confinement in a jail other than a state jail felony facility is affixed as a possible punishment.

(b-1) An offense is not considered a felony for purposes of Subsection (b) if, at the time of a person's application for a license to carry a concealed handgun, the offense:

(1) is not designated by a law of this state as a felony; and

(2) does not contain all the elements of any offense designated by a law of this state as a felony.

(9) In SECTION 11.08 of the bill, in amended Section 411.186(a), Government Code (page 47, line 53), strike Subdivision (2) and substitute the following:

"(2) made a material misrepresentation or failed to disclose a material fact in an application submitted under this subchapter ~~[gave false information on the application]~~;"

(10) In SECTION 11.08 of the bill, in amended Section 411.186(a)(6), Government Code (page 47, line 67), between "reversed" and the period, insert "if the applicant fails to submit a cashier's check or money order made payable to the "Department of Public Safety of the State of Texas" in the amount of the dishonored or reversed fee, plus \$25, within 30 days of being notified by the department that the fee was dishonored or reversed"

(11) In SECTION 11.09 of the bill, in amended Section 411.187(a)(3), Government Code (page 48, line 10), strike "address or name" and substitute "address, ~~[or]~~ name, or status".

(12) In ARTICLE 11 of the bill (page 50, line 60, through page 51, line 8), strike SECTIONS 11.16 and 11.17 and renumber subsequent SECTIONS accordingly.

(13) In SECTION 11.21 of the bill (page 51, line 35), strike ", 411.1882,".

(14) In SECTION 11.22 of the bill (page 51, line 38), before "411.1711," insert "411.171,".

(15) In SECTION 11.22 of the bill (page 51, lines 39-40),

strike "and by Section 57.491, Education Code, as amended by this article,".

(16) In SECTION 11.23 of the bill (page 51, line 47), between "411.177," and "411.184," insert "411.1882,".

(17) In SECTION 11.23 of the bill (page 51, line 49), strike ", 411.1882,".

(18) Add the following appropriately numbered SECTIONS to ARTICLE 11 of the bill and renumber subsequent SECTIONS of that ARTICLE accordingly:

SECTION 11.____. 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 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; ~~[or]~~

(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 11.____. Section 411.179(c), Government Code, as added by Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(c) In adopting the form of the license under Subsection (a), the department shall establish a procedure for the license of a qualified handgun instructor or of a judge, justice, prosecuting attorney, or assistant prosecuting attorney, as described by Section 46.15(a)(4) or (6), Penal Code, to indicate on the license the license holder's status as a qualified handgun instructor or as a judge, justice, district attorney, criminal district attorney, or county attorney. In establishing the procedure, the department shall require sufficient documentary evidence to establish the license holder's status under this subsection.

SECTION 11.____. Sections 411.181(a) and (b), Government

Code, as amended by Chapters 594 (H.B. 41) and 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, are reenacted and amended to read as follows:

(a) If a person who is a current license holder moves from any residence ~~[the]~~ address stated on the license ~~[to a new residence address]~~, if the name of the person is changed by marriage or otherwise, or if the person's status ~~[as a judge, justice, district attorney, prosecuting attorney, or assistant prosecuting attorney, as a federal judge, a state judge, or the spouse of a federal judge or state judge,]~~ becomes inapplicable for purposes of the information required to be displayed on the license under Section 411.179 ~~[411.179(c)]~~, the person shall, not later than the 30th day after the date of the address, name, or status change, notify the department and provide the department with the number of the person's license and, as applicable, the person's:

- (1) former and new addresses; ~~[or]~~
- (2) former and new names; or
- (3) former and new status.

(b) If the name of the license holder is changed by marriage or otherwise, or if the person's status ~~[as a federal judge or state judge, or the spouse of a federal judge or state judge]~~ becomes inapplicable as described by Subsection (a), the person shall apply for a duplicate license. The duplicate license must reflect ~~[include]~~ the person's current name, residence address, and status.

SECTION 11.__. Section 411.1882, Government Code, is amended to read as follows:

Sec. 411.1882. EVIDENCE OF ~~[EXEMPTION FROM]~~ HANDGUN PROFICIENCY ~~[CERTIFICATE REQUIREMENT]~~ FOR CERTAIN PERSONS. (a) A person who is serving in this state as a judge or justice of a federal court, as an active judicial officer, as defined by Section 411.201, or as a district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney may establish handgun proficiency for the purposes of this subchapter by obtaining from a handgun proficiency instructor approved by the Commission on Law Enforcement Officer Standards and Education for purposes of Section 1702.1675, Occupations Code, a sworn statement that:

(1) indicates that the person, during the 12-month period preceding the date of the person's application to the department, demonstrated to the instructor proficiency in the use of handguns; and

(2) designates the categories of handguns with respect to which the person demonstrated proficiency ~~[Notwithstanding any other provision of this subchapter, a person may not be required to submit to the department a handgun proficiency certificate to obtain or renew a concealed handgun license issued under this subchapter if:~~

~~[(1) the person is currently serving in this state as:~~

~~[(A) a judge or justice of a federal court,~~

~~[(B) an active judicial officer, as defined by Section 411.201, Government Code; or~~

~~[(C) a district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney; and~~

~~[(2) a handgun proficiency instructor approved by the Commission on Law Enforcement Officer Standards and Education for purposes of Section 1702.1675, Occupations Code, makes a sworn statement indicating that the person demonstrated proficiency to the instructor in the use of handguns during the 12-month period preceding the date of the person's application to the department and designating the types of handguns with which the person demonstrated proficiency].~~

(b) The director by rule shall adopt a procedure by which a person described ~~[who is exempt]~~ under Subsection (a) ~~[from the handgun proficiency certificate requirement]~~ may submit a form demonstrating the person's qualification for an exemption under that subsection. The form must provide sufficient information to allow the department to verify whether the person qualifies for the exemption.

(c) A license issued under this section automatically expires on the six-month anniversary of the date the person's status under Subsection (a) becomes inapplicable. A license that expires under this subsection may be renewed under Section 411.185.

SECTION 11.___. Section 411.190, Government Code, is amended

by adding Subsection (d-1) to read as follows:

(d-1) The department shall ensure that an applicant may renew certification under Subsection (d) from any county in this state by using an online format to complete the required retraining courses if:

(1) the applicant is renewing certification for the first time; or

(2) the applicant completed the required retraining courses in person the previous time the applicant renewed certification.

SECTION 11.____. Section 46.04, Penal Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) For the purposes of this section, an offense under the laws of this state, another state, or the United States is, except as provided by Subsection (g), a felony if, at the time it is committed, the offense:

(1) is designated by a law of this state as a felony;

(2) contains all the elements of an offense designated by a law of this state as a felony; or

(3) is punishable by confinement for one year or more in a penitentiary.

(g) An offense is not considered a felony for purposes of Subsection (f) if, at the time the person possesses a firearm, the offense:

(1) is not designated by a law of this state as a felony; and

(2) does not contain all the elements of any offense designated by a law of this state as a felony.

SECTION 11.____. Section 521.001(a), Transportation Code, is amended by adding Subdivisions (3-a) and (8-a) to read as follows:

(3-a) "Federal judge" means:

(A) a judge of a United States court of appeals;

(B) a judge of a United States district court;

(C) a judge of a United States bankruptcy court;

or

(D) a magistrate judge of a United States district court.

(8-a) "State judge" means:

(A) the judge of an appellate court, a district court, or a county court at law of this state; or

(B) an associate judge appointed under Chapter 201, Family Code.

SECTION 11.___. Sections 521.054(a) and (b), Transportation Code, are amended to read as follows:

(a) This section applies to a person who:

(1) after applying for or being issued a ~~[the]~~ license or certificate moves to a new residence ~~[from the]~~ address ~~[stated in the person's application for a license or certificate];~~

(2) has used the procedure under Section 521.121(c) and whose status as a federal judge, a state judge, or the spouse of a federal or state judge becomes inapplicable ~~[moves from the address shown on the license or certificate held by the person];~~ or

(3) changes the person's name by marriage or otherwise.

(b) A person subject to this section shall notify the department of the change not later than the 30th day after the date on which the change takes effect and apply for a duplicate license or certificate as provided by Section 521.146. The duplicate license must include the person's current residence address.

SECTION 11.___. Section 521.121, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The driver's license must include:

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

(2) a color photograph of the entire face of the holder;

(3) the full name and~~[7]~~ date of birth~~[7, and residence address]~~ of the holder; ~~[and]~~

(4) a brief description of the holder; and

(5) the license holder's residence address or, for a license holder using the procedure under Subsection (c), the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or state judge.

(c) The department shall establish a procedure for a federal judge, a state judge, or the spouse of a federal or state judge to omit the license holder's residence address on the license and to include, in lieu of that address, the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or state judge. In establishing the procedure, the department shall require sufficient documentary evidence to establish the license holder's status as a federal judge, a state judge, or the spouse of a federal or state judge.

SECTION 11.____. Section 521.142(c), Transportation Code, is amended to read as follows:

(c) The application must state:

- (1) the sex of the applicant;
- (2) the residence address of the applicant, or if the applicant is a federal judge, a state judge, or the spouse of a federal or state judge using the procedure developed under Section 521.121(c), the street address of the courthouse in which the applicant or the applicant's spouse serves as a federal judge or a state judge;
- (3) whether the applicant has been licensed to drive a motor vehicle before;
- (4) if previously licensed, when and by what state or country;
- (5) whether that license has been suspended or revoked or a license application denied;
- (6) the date and reason for the suspension, revocation, or denial;
- (7) whether the applicant is a citizen of the United States; and
- (8) the county of residence of the applicant.

SECTION 11.____. The change in law made by this Act in amending Section 46.04, Penal Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if

any element of the offense occurred before that date.