

## **BILL ANALYSIS**

C.S.S.B. 864  
By: Campbell  
Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law requires the handgun proficiency course for a concealed handgun license to consist of at least 10 and not more than 15 hours of curriculum instruction on weapons-related laws; handgun use, proficiency, and safety; proper handgun storage practices; and nonviolent dispute resolution, in addition to a physical demonstration of proficiency. Interested parties recognize that these licensing statutes were enacted over a decade ago when the course curriculum had not yet been finalized and note the discrepancy between statute-mandated course hours and the actual timed delivery of course curriculum. To address this discrepancy, C.S.S.B. 864 reduces the number of required classroom hours necessary to obtain or renew a concealed handgun license.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 864 amends the Government Code to remove the requirement that a concealed handgun license holder who wishes to renew that license complete a continuing education course in handgun proficiency and to instead require completion of a handgun proficiency course required for obtaining an original concealed handgun license. The bill clarifies that the part of the handgun proficiency course that includes instruction on certain laws and safety and use procedures is the classroom instruction part of the course. The bill decreases from 10 to six the minimum number of hours of such instruction required to be included in the classroom instruction part of the course and removes the limit on the number of instruction hours. The bill clarifies that instruction on proficiency is not among the topics required to be included in the classroom instruction part of the course.

C.S.S.B. 864 authorizes the Department of Public Safety to offer online, or allow a qualified handgun instructor to offer online, the classroom instruction part of the handgun proficiency course for concealed handgun license holders seeking renewal.

C.S.S.B. 864 repeals Section 411.188(c), Government Code.

### **EFFECTIVE DATE**

September 1, 2013.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.S.B. 864 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Subsection (a), Section 411.185, Government Code, is amended to read as follows:

(a) To renew a license, a license holder must:

(1) complete a ~~[continuing education course in]~~ handgun proficiency course under Section 411.188(a) ~~[411.188(e)]~~ within the six-month period preceding:

(A) the date of application for renewal, for a first or second renewal; and

(B) the date of application for renewal or the date of application for the preceding renewal, for a third or subsequent renewal, to ensure that the license holder is not required to complete the course more than once in any 10-year period; and

(2) submit to the department:

(A) an application for renewal on a form provided by the department;

(B) evidence of handgun proficiency, in the form and manner required by the department;

(C) payment of a nonrefundable renewal fee as set by the department; and

(D) one or more photographs of the applicant that meet the requirements of the department.

SECTION 2. Subsections (a), (b), and (j), Section 411.188, Government Code, are amended to read as follows:

(a) The director by rule shall establish minimum standards for handgun proficiency and shall develop a course to teach handgun proficiency and examinations to measure handgun proficiency. The course to teach handgun proficiency is required for each person who seeks to obtain or renew a license and must contain training sessions divided into two parts. One part of the course must be classroom instruction and the other part must be range instruction and an actual demonstration by the applicant of the applicant's ability to safely and proficiently use the applicable category of handgun. An applicant must be able to demonstrate, at a minimum, the degree of proficiency that is required to effectively operate a handgun of .32 caliber or above. The department shall distribute the

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as engrossed version except for recitation.

SECTION 2. Sections 411.188(a), (b), and (j), Government Code, are amended to read as follows:

(a) The director by rule shall establish minimum standards for handgun proficiency and shall develop a course to teach handgun proficiency and examinations to measure handgun proficiency. The course to teach handgun proficiency is required for each person who seeks to obtain or renew a license and must contain training sessions divided into two parts. One part of the course must be classroom instruction and the other part must be range instruction and an actual demonstration by the applicant of the applicant's ability to safely and proficiently use the applicable category of handgun. An applicant must be able to demonstrate, at a minimum, the degree of proficiency that is required to effectively operate a handgun of .32 caliber or above. The department shall distribute the

standards, course requirements, and examinations on request to any qualified handgun instructor.

(b) Only [a] qualified handgun instructors [~~instructor~~] may administer the classroom instruction part or the range instruction part of the [a] handgun proficiency course. The classroom instruction part of the [~~handgun proficiency~~] course must include ~~not less than four~~ [at least 10] hours and not more than ~~six~~ [15] hours of instruction on:

- (1) the laws that relate to weapons and to the use of deadly force;
- (2) handgun use[~~, proficiency,~~] and safety;
- (3) nonviolent dispute resolution; and
- (4) proper storage practices for handguns with an emphasis on storage practices that eliminate the possibility of accidental injury to a child.

(j) For license holders seeking to renew their licenses, the [The] department may offer online, or allow a qualified handgun instructor to offer online, the classroom instruction part of the handgun proficiency [~~continuing education instruction~~] course and the written section of the proficiency examination [~~required to renew a license~~].

SECTION 3. Subsection (c), Section 411.188, Government Code, is repealed.

SECTION 4. The change in law made by this Act applies only to an application to obtain or renew a license to carry a concealed handgun submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2013.

standards, course requirements, and examinations on request to any qualified handgun instructor.

(b) Only [a] qualified handgun instructors [~~instructor~~] may administer the classroom instruction part or the range instruction part of the [a] handgun proficiency course. The classroom instruction part of the [~~handgun proficiency~~] course must include at least six [40] hours [~~and not more than 15 hours~~] of instruction on:

- (1) the laws that relate to weapons and to the use of deadly force;
- (2) handgun use[~~, proficiency,~~] and safety;
- (3) nonviolent dispute resolution; and
- (4) proper storage practices for handguns with an emphasis on storage practices that eliminate the possibility of accidental injury to a child.

(j) For license holders seeking to renew their licenses, the [The] department may offer online, or allow a qualified handgun instructor to offer online, the classroom instruction part of the handgun proficiency [~~continuing education instruction~~] course and the written section of the proficiency examination [~~required to renew a license~~].

SECTION 3. Substantially the same as engrossed version

SECTION 4. Same as engrossed version.

SECTION 5. Same as engrossed version.