

By: Geren

H.B. No. 419

A BILL TO BE ENTITLED

AN ACT

relating to the removal of a fee for the issuance of an original,
duplicate, modified, or renewed license to carry a handgun.

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

SECTION 1. Section 411.0625(c), Government Code, is amended
to read as follows:

(c) The department shall adopt rules to establish a
procedure by which a resident of the state may apply for and be
issued a Capitol access pass. Rules adopted under this section
must include provisions for eligibility, application, approval,
issuance, and renewal that:

(1) require the department to conduct the same
background check on an applicant for a Capitol access pass that is
conducted on an applicant for a license to carry a handgun under
Subchapter H;

(2) enable the department to conduct the background
check described by Subdivision (1); and

(3) establish application and renewal fees in amounts
sufficient to cover the cost of administering this section[~~, not to
exceed the amounts of similar fees required under Section 411.174
for a license to carry a handgun~~].

SECTION 2. Section 411.173(a), Government Code, is amended
to read as follows:

(a) The department by rule shall establish a procedure for a

1 person who meets the eligibility requirements of this subchapter
2 other than the residency requirement established by Section
3 411.172(a)(1) to obtain a license under this subchapter if the
4 person is a legal resident of another state or if the person
5 relocates to this state with the intent to establish residency in
6 this state. ~~[The procedure must include payment of a fee in an~~
7 ~~amount sufficient to recover the average cost to the department of~~
8 ~~obtaining a criminal history record check and investigation on a~~
9 ~~nonresident applicant.]~~ A license issued in accordance with the
10 procedure established under this subsection:

11 (1) remains in effect until the license expires under
12 Section 411.183; and

13 (2) may be renewed under Section 411.185.

14 SECTION 3. Section 411.174(a), Government Code, is amended
15 to read as follows:

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

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

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

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

25 (4) proof of residency in this state;

26 (5) two complete sets of legible and classifiable
27 fingerprints of the applicant taken by a person appropriately

1 trained in recording fingerprints who is employed by a law
2 enforcement agency or by a private entity designated by a law
3 enforcement agency as an entity qualified to take fingerprints of
4 an applicant for a license under this subchapter;

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

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

9 (7) ~~[(8)]~~ an affidavit signed by the applicant stating
10 that the applicant:

11 (A) has read and understands each provision of
12 this subchapter that creates an offense under the laws of this state
13 and each provision of the laws of this state related to use of
14 deadly force; and

15 (B) fulfills all the eligibility requirements
16 listed under Section 411.172; and

17 (8) ~~[(9)]~~ a form executed by the applicant that
18 authorizes the director to make an inquiry into any noncriminal
19 history records that are necessary to determine the applicant's
20 eligibility for a license under Section 411.172(a).

21 SECTION 4. Section 411.179, Government Code, is amended by
22 amending Subsection (e) and adding Subsection (f) to read as
23 follows:

24 (e) ~~[In this subsection, "veteran" has the meaning assigned~~
25 ~~by Section 411.1951.]~~ The department shall include the designation
26 "VETERAN" on the face of any original, duplicate, modified, or
27 renewed license under this subchapter or on the reverse side of the

license, as determined by the department, if the license is issued to a veteran who:

(1) requests the designation; and

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

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

(1) has served in:

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

(B) the Texas military forces as defined by Section 437.001; or

(C) an auxiliary service of one of those branches of the armed forces; and

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

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

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

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

(a) To renew a license, a license holder must, on or before

1 the date the license expires, submit to the department by mail or,
2 in accordance with the procedure adopted under Subsection (f), on
3 the Internet:

4 (1) a renewal application on a form provided by the
5 department;

6 ~~[(2) payment of a nonrefundable renewal fee of \$40,]~~
7 and

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

11 SECTION 7. Sections [411.186](#)(a) and (c), Government Code,
12 are amended to read as follows:

13 (a) The department shall revoke a license under this section
14 if the license holder:

15 (1) was not entitled to the license at the time it was
16 issued;

17 (2) made a material misrepresentation or failed to
18 disclose a material fact in an application submitted under this
19 subchapter;

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

26 (4) is convicted of an offense under Section [46.035](#),
27 Penal Code; or

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

~~[(6) submits an application fee that is dishonored or reversed 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].~~

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

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

(c) In the manner applicable to a person who applies for a license to carry a handgun, the department shall conduct a background check of a person who applies for certification as a qualified handgun instructor or approved online course provider. If the background check indicates that the applicant for certification would not qualify to receive a handgun license, the

1 department may not certify the applicant as a qualified handgun
 2 instructor or approved online course provider. If the background
 3 check indicates that the applicant for certification would qualify
 4 to receive a handgun license, the department shall provide handgun
 5 instructor or online course provider training to the applicant.
 6 The applicant shall pay a fee of \$100 to the department for the
 7 training. The applicant must take and successfully complete the
 8 training offered by the department and pay the training fee before
 9 the department may certify the applicant as a qualified handgun
 10 instructor or approved online course provider. The department
 11 shall issue a license to carry a handgun under the authority of this
 12 subchapter to any person who is certified as a qualified handgun
 13 instructor or approved online course provider ~~[and who pays to the~~
 14 ~~department a fee of \$40 in addition to the training fee]~~. The
 15 department by rule may prorate or waive the training fee for an
 16 employee of another governmental entity.

17 SECTION 9. Sections [411.201](#)(d) and (h), Government Code,
 18 are amended to read as follows:

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

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

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

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

1 in recording fingerprints;

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

5 [~~(5) a nonrefundable application and license fee of~~
6 ~~\$25+~~] and

7 (5) (5) [~~(6)~~] if the applicant is a retired judicial
8 officer, a form executed by the applicant that authorizes the
9 department to make an inquiry into any noncriminal history records
10 that are necessary to determine the applicant's eligibility for a
11 license under this subchapter.

12 (h) The department shall issue a license to carry a handgun
13 under the authority of this subchapter to a United States attorney
14 or an assistant United States attorney, or to an attorney elected or
15 employed to represent the state in the prosecution of felony cases,
16 who meets the requirements of this section for an active judicial
17 officer. [~~The department shall waive any fee required for the~~
18 ~~issuance of an original, duplicate, or renewed license under this~~
19 ~~subchapter for an applicant who is a United States attorney or an~~
20 ~~assistant United States attorney or who is an attorney elected or~~
21 ~~employed to represent the state in the prosecution of felony~~
22 ~~cases.~~]

23 SECTION 10. Section [118.011](#)(b), Local Government Code, as
24 effective September 1, 2019, is amended to read as follows:

25 (b) The county clerk may set and collect the following fee
26 from any person:

27 (1) Returned Check (Sec. [118.0215](#)) not

less than \$15 or more than \$30

(2) Records Management and Preservation Fee (Sec. 118.0216) not more than \$5

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

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

SECTION 11. The following provisions are repealed:

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

(2) Section 118.0217, Local Government Code.

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

SECTION 13. This Act takes effect September 1, 2019.