

1-1 By: Fallon S.B. No. 1691
1-2 (In the Senate - Filed March 6, 2019; March 14, 2019, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 17, 2019, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 17, 2019,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hughes	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Fallon	X		
1-14	Hall	X		
1-15	Lucio	X		
1-16	Nelson	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1691 By: Nelson

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to expedited processing of certain applications for a
1-22 license to carry a handgun; waiving a fee.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 411.177, Government Code, is amended by
1-25 amending Subsection (b) and adding Subsections (b-1) and (b-2) to
1-26 read as follows:

1-27 (b) Except as otherwise provided by Subsection (b-1),
1-28 the [The] department shall, not later than the 60th day after the
1-29 date of the receipt by the director's designee of the completed
1-30 application materials:

1-31 (1) issue the license;

1-32 (2) notify the applicant in writing that the
1-33 application was denied:

1-34 (A) on the grounds that the applicant failed to
1-35 qualify under the criteria listed in Section 411.172;

1-36 (B) based on the affidavit of the director's
1-37 designee submitted to the department under Section 411.176(c); or

1-38 (C) based on the affidavit of the qualified
1-39 handgun instructor submitted to the department under Section
1-40 411.188(k); or

1-41 (3) notify the applicant in writing that the
1-42 department is unable to make a determination regarding the issuance
1-43 or denial of a license to the applicant within the 60-day period
1-44 prescribed by this subsection and include in that notification an
1-45 explanation of the reason for the inability and an estimation of the
1-46 amount of time the department will need to make the determination.

1-47 (b-1) If the applicant submits with the completed
1-48 application materials a copy of an active protective order issued
1-49 under Title 4, Family Code, or Chapter 7A, Code of Criminal
1-50 Procedure, or an active magistrate's emergency order of protection
1-51 under Article 17.292, Code of Criminal Procedure, that indicates
1-52 that the applicant is protected by the order, the department shall,
1-53 without charging a fee, expedite the application. As soon as
1-54 practicable after the receipt of the materials under this
1-55 subsection, the department shall:

1-56 (1) issue the license; or

1-57 (2) notify the applicant in writing that the
1-58 application was denied:

1-59 (A) on the grounds that the applicant failed to
1-60 qualify under the criteria listed in Section 411.172;

2-1 (B) based on the affidavit of the director's
2-2 designee submitted to the department under Section 411.176(c); or
2-3 (C) based on the affidavit of the qualified
2-4 handgun instructor submitted to the department under Section
2-5 411.188(k).

2-6 (b-2) The director shall adopt policies for expedited
2-7 processing under Subsection (b-1).

2-8 SECTION 2. Subchapter H, Chapter 411, Government Code, is
2-9 amended by adding Section 411.1954 to read as follows:

2-10 Sec. 411.1954. WAIVER OF FEES FOR CERTAIN APPLICANTS WITH
2-11 PROTECTIVE ORDER. Notwithstanding any other provision of this
2-12 subchapter, the department shall waive any fee required for the
2-13 issuance of an original, duplicate, modified, or renewed license
2-14 under this subchapter if the applicant submits to the department a
2-15 copy of an active protective order issued under Title 4, Family
2-16 Code, or Chapter 7A, Code of Criminal Procedure, or an active
2-17 magistrate's emergency order of protection under Article 17.292,
2-18 Code of Criminal Procedure, that indicates that the applicant is
2-19 protected by the order.

2-20 SECTION 3. Section 411.177, Government Code, as amended by
2-21 this Act, applies only to an application for a license to carry a
2-22 handgun for which the completed application materials are received
2-23 by the Department of Public Safety of the State of Texas on or after
2-24 the effective date of this Act. An application for a license to
2-25 carry a handgun for which the completed application materials were
2-26 received before the effective date of this Act is governed by the
2-27 law in effect on the date the materials were received, and the
2-28 former law is continued in effect for that purpose.

2-29 SECTION 4. Section 411.1954, Government Code, as added by
2-30 this Act, applies only to an application for an original,
2-31 duplicate, modified, or renewed license to carry a handgun
2-32 submitted on or after the effective date of this Act. An
2-33 application submitted before the effective date of this Act is
2-34 governed by the law in effect on the date the application was
2-35 submitted, and the former law is continued in effect for that
2-36 purpose.

2-37 SECTION 5. The Department of Public Safety of the State of
2-38 Texas is required to implement a provision of this Act only if the
2-39 legislature appropriates money specifically for that purpose. If
2-40 the legislature does not appropriate money specifically for that
2-41 purpose, the Department of Public Safety of the State of Texas may,
2-42 but is not required to, implement a provision of this Act using
2-43 other appropriations available for that purpose.

2-44 SECTION 6. This Act takes effect September 1, 2019.

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