

By: Flynn

H.B. No. 3777

A BILL TO BE ENTITLED

AN ACT

relating to a perpetual license to carry a concealed handgun.

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

SECTION 1. Section 411.171, Government Code, is amended by adding Subdivisions (8), (9), and (10) to read as follows:

(8) "License" means a perpetual license or a renewable license issued under this chapter.

(9) "Perpetual license" means a license that is issued by the department and authorizes a person to carry a concealed handgun and that is not subject to renewal.

(10) "Renewable license" means a license that is issued by the department and authorizes a person to carry a concealed handgun and that is subject to renewal.

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 person who meets the eligibility requirements of this subchapter other than the residency requirement established by Section 411.172(a)(1) to obtain a license under this subchapter if the person is a legal resident of another state or if the person relocates to this state with the intent to establish residency in this state. The procedure must include payment of a fee in an amount sufficient to recover the average cost to the department of obtaining a criminal history record check and investigation on a

1 nonresident applicant. A renewable license issued in accordance  
2 with the procedure established under this subsection[+]

3 [~~1~~] remains in effect until the license expires  
4 under Section 411.183[+] and

5 [~~2~~] may be renewed under Section 411.185. A  
6 perpetual license issued in accordance with the procedure  
7 established under this subsection does not expire and is not  
8 subject to renewal under Section 411.185.

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

11 (a) An applicant for a license to carry a concealed handgun  
12 must submit to the director's designee described by Section  
13 411.176:

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

17 (2) two recent color passport photographs of the  
18 applicant, except that an applicant who is younger than 21 years of  
19 age must submit two recent color passport photographs in profile of  
20 the applicant;

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

23 (4) proof of residency in this state;

24 (5) two complete sets of legible and classifiable  
25 fingerprints of the applicant taken by a person appropriately  
26 trained in recording fingerprints who is employed by a law  
27 enforcement agency or by a private entity designated by a law

1 enforcement agency as an entity qualified to take fingerprints of  
2 an applicant for a license under this subchapter;

3 (6) a nonrefundable application and license fee [~~of~~  
4 ~~\$140~~] paid to the department of;

5 (A) \$140 for a renewable license; or

6 (B) \$300 for a perpetual license;

7 (7) a handgun proficiency certificate described by  
8 Section 411.189;

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

21 SECTION 4. Section 411.183, Government Code, is amended to  
22 read as follows:

23 Sec. 411.183. EXPIRATION OF RENEWABLE LICENSE. (a) A  
24 renewable license issued under this subchapter expires on the first  
25 birthday of the license holder occurring after the fourth  
26 anniversary of the date of issuance.

27 (b) A renewable [~~renewed~~] license renewed under this

1 section expires on the license holder's birthdate, five years after  
2 the date of the expiration of the previous license.

3 (c) A duplicate renewable license expires on the date the  
4 renewable license that was duplicated would have expired.

5 (d) A modified renewable license expires on the date the  
6 renewable license that was modified would have expired.

7 (e) A perpetual license does not expire and is not subject  
8 to renewal under this section.

9 SECTION 5. Subchapter H, Chapter 411, Government Code, is  
10 amended by adding Section 411.1845 to read as follows:

11 Sec. 411.1845. CONVERSION TO PERPETUAL LICENSE. (a) A  
12 person who holds an unexpired renewable license may convert the  
13 renewable license to a perpetual license by submitting to the  
14 department:

15 (1) an application for a conversion to a perpetual  
16 license; and

17 (2) payment of a \$160 fee.

18 (b) Notwithstanding Subsection (a), if on January 1, 2010, a  
19 person holds an unexpired renewable license issued under this  
20 subchapter, the person may convert that license to a perpetual  
21 license before the expiration date of the person's renewable  
22 license by submitting to the department:

23 (1) an application for a conversion to a perpetual  
24 license; and

25 (2) payment of a \$50 fee.

26 (c) The director by rule shall adopt a form for the  
27 application for conversion. A form adopted under this subsection

1 must require an update of the information in the person's most  
2 recent completed application for a license.

3 (d) On receipt of a perpetual license under this section,  
4 the license holder shall return the previously issued renewable  
5 license to the department.

6 (e) A license holder whose application fee for a license  
7 conversion under this section is dishonored or reversed may reapply  
8 for a license conversion at any time, provided the application fee  
9 and a dishonored payment charge of \$25 is paid by cashier's check or  
10 money order made payable to the "Texas Department of Public  
11 Safety."

12 SECTION 6. Section 411.185, Government Code, is amended to  
13 read as follows:

14 Sec. 411.185. RENEWAL OF RENEWABLE LICENSE. (a) To renew  
15 a renewable license, a [~~license~~] holder of that license must:

16 (1) complete a continuing education course in handgun  
17 proficiency under Section 411.188(c) within the six-month period  
18 preceding:

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

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

26 (2) obtain a handgun proficiency certificate under  
27 Section 411.189 within the six-month period preceding:

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

3 (B) the date of application for renewal or the  
4 date of application for the preceding renewal, for a third or  
5 subsequent renewal, to ensure that the license holder is not  
6 required to obtain the certificate more than once in any 10-year  
7 period; and

8 (3) submit to the department:

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

11 (B) a copy of the handgun proficiency  
12 certificate;

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

15 (D) two recent color passport photographs of the  
16 applicant.

17 (b) The director by rule shall adopt a renewal application  
18 form requiring an update of the information on the original  
19 completed application. The director by rule shall set the renewal  
20 fee in an amount that is sufficient to cover the actual cost to the  
21 department to renew a renewable license. Not later than the 60th  
22 day before the expiration date of the renewable license, the  
23 department shall mail to each [~~license~~] holder of a renewable  
24 license a written notice of the expiration of the renewable license  
25 and a renewal form.

26 (c) The department shall renew the license of a [~~license~~]  
27 holder of a renewable license who meets all the eligibility

1 requirements and submits all the renewal materials. Not later than  
2 the 45th day after receipt of the renewal materials, the department  
3 shall issue the renewal or notify the license holder in writing that  
4 the renewal application was denied.

5 (d) The director by rule shall adopt a procedure by which a  
6 ~~[license]~~ holder of a renewable license who satisfies the  
7 eligibility criteria may renew a license by mail. The materials for  
8 renewal by mail must include a form to be signed and returned to the  
9 department by the applicant that describes state law regarding:

- 10 (1) the use of deadly force; and  
11 (2) the places where it is unlawful for the holder of a  
12 license issued under this subchapter to carry a concealed handgun.

13 SECTION 7. Sections 411.188(c), (d), and (g), Government  
14 Code, are amended to read as follows:

15 (c) The department by rule shall develop a continuing  
16 education course in handgun proficiency for a ~~[license]~~ holder of a  
17 renewable license who wishes to renew a renewable license. Only a  
18 qualified handgun instructor may administer the continuing  
19 education course. The course must include:

- 20 (1) at least four hours of instruction on one or more  
21 of the subjects listed in Subsection (b); and  
22 (2) other information the director determines is  
23 appropriate.

24 (d) Only a qualified handgun instructor may administer the  
25 proficiency examination to obtain a license or to renew a renewable  
26 license. The proficiency examination must include:

- 27 (1) a written section on the subjects listed in

1 Subsection (b); and

2 (2) a physical demonstration of proficiency in the use  
3 of one or more handguns of specific categories and in handgun safety  
4 procedures.

5 (g) A person who wishes to obtain a license or renew a  
6 renewable license to carry a concealed handgun must apply in person  
7 to a qualified handgun instructor to take the appropriate course in  
8 handgun proficiency, demonstrate handgun proficiency, and obtain a  
9 handgun proficiency certificate as described by Section 411.189.

10 SECTION 8. Section 411.1881(a), Government Code, is amended  
11 to read as follows:

12 (a) Notwithstanding any other provision of this subchapter,  
13 a person may not be required to complete the range instruction  
14 portion of a handgun proficiency course to obtain a license or renew  
15 a renewable [~~concealed handgun~~] license issued under this  
16 subchapter if the person:

17 (1) is currently serving in or is honorably discharged  
18 from:

19 (A) the army, navy, air force, coast guard, or  
20 marine corps of the United States or an auxiliary service or reserve  
21 unit of one of those branches of the armed forces; or

22 (B) the state military forces, as defined by  
23 Section 431.001; and

24 (2) has, within the five years preceding the date of  
25 the person's application for an original or renewed license, as  
26 applicable, completed a course of training in handgun proficiency  
27 or familiarization as part of the person's service with the armed

1 forces or state military forces.

2 SECTION 9. Sections 411.1882(a) and (c), Government Code,  
3 are amended to read as follows:

4 (a) Notwithstanding any other provision of this subchapter,  
5 a person may not be required to submit to the department a handgun  
6 proficiency certificate to obtain a license or renew a renewable  
7 [~~concealed handgun~~] license issued under this subchapter if:

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

9 (A) a judge or justice of a federal court;

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

12 (C) a district attorney, assistant district  
13 attorney, criminal district attorney, assistant criminal district  
14 attorney, county attorney, or assistant county attorney; and

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

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

1 SECTION 10. The heading to Section 411.194, Government  
2 Code, is amended to read as follows:

3 Sec. 411.194. REDUCTION OF RENEWABLE LICENSE FEES DUE TO  
4 INDIGENCY.

5 SECTION 11. Section 411.194(a), Government Code, is amended  
6 to read as follows:

7 (a) Notwithstanding any other provision of this subchapter,  
8 the department shall reduce by 50 percent any fee required for the  
9 issuance of an original renewable license, duplicate renewable  
10 license, modified renewable license, or renewed renewable license  
11 under this subchapter if the department determines that the  
12 applicant for the renewable license is indigent. The department  
13 may not reduce any fee required for the issuance of an original  
14 perpetual license, duplicate perpetual license, or modified  
15 perpetual license.

16 SECTION 12. Section 411.195, Government Code, is amended to  
17 read as follows:

18 Sec. 411.195. REDUCTION OF RENEWABLE LICENSE FEES FOR  
19 SENIOR CITIZENS. Notwithstanding any other provision of this  
20 subchapter, the department shall reduce by 50 percent any fee  
21 required for the issuance of an original renewable license,  
22 duplicate renewable license, modified renewable license, or  
23 renewed renewable license under this subchapter if the applicant  
24 for the renewable license is 60 years of age or older. The  
25 department may not reduce any fee required for the issuance of an  
26 original perpetual license, duplicate perpetual license, or  
27 modified perpetual license.

1 SECTION 13. The heading to Section 411.1951, Government  
2 Code, is amended to read as follows:

3 Sec. 411.1951. WAIVER OR REDUCTION OF RENEWABLE LICENSE  
4 FEES FOR MEMBERS OR VETERANS OF UNITED STATES ARMED FORCES.

5 SECTION 14. Section 411.1951, Government Code, is amended  
6 by amending Subsections (b) and (c) and adding Subsection (d) to  
7 read as follows:

8 (b) Notwithstanding any other provision of this subchapter,  
9 the department shall waive any fee required for the issuance of an  
10 original renewable license, duplicate renewable license, modified  
11 renewable license, or renewed renewable license under this  
12 subchapter if the applicant for the renewable license is:

13 (1) a member of the United States armed forces,  
14 including a member of the reserves, national guard, or state guard;  
15 or

16 (2) a veteran who, within 365 days preceding the date  
17 of the application, was honorably discharged from the branch of  
18 service in which the person served.

19 (c) Notwithstanding any other provision of this subchapter,  
20 the department shall reduce by 50 percent any fee required for the  
21 issuance of an original renewable license, duplicate renewable  
22 license, modified renewable license, or renewed renewable license  
23 under this subchapter if the applicant for the renewable license is  
24 a veteran who, more than 365 days preceding the date of the  
25 application, was honorably discharged from the branch of the  
26 service in which the person served.

27 (d) The department may not waive or reduce any fee required

1 for an original perpetual license, duplicate perpetual license, or  
2 modified perpetual license.

3 SECTION 15. Sections 411.199(d), (e), and (f), Government  
4 Code, are amended to read as follows:

5 (d) An applicant under this section must pay a fee of \$25 for  
6 a renewable license or \$100 for a perpetual license issued under  
7 this subchapter.

8 (e) A retired peace officer who obtains a renewable license  
9 under this subchapter must maintain, for the category of weapon  
10 licensed, the proficiency required for a peace officer under  
11 Section 415.035. The department or a local law enforcement agency  
12 shall allow a retired peace officer of the department or agency an  
13 opportunity to annually demonstrate the required proficiency. The  
14 proficiency shall be reported to the department on application and  
15 renewal of a renewable license.

16 (f) A renewable license issued under this section expires as  
17 provided by Section 411.183. A perpetual license issued under this  
18 section does not expire.

19 SECTION 16. Sections 411.1991(c) and (d), Government Code,  
20 are amended to read as follows:

21 (c) An applicant under this section shall pay a fee of \$25  
22 for a renewable license or \$100 for a perpetual license issued under  
23 this subchapter.

24 (d) A renewable license issued under this section expires as  
25 provided by Section 411.183. A perpetual license issued under this  
26 section does not expire.

27 SECTION 17. Sections 411.201(g) and (h), Government Code,

1 are amended to read as follows:

2 (g) A renewable license issued under this section expires as  
3 provided by Section 411.183 and, except as otherwise provided by  
4 this subsection, may be renewed in accordance with Section 411.185  
5 of this subchapter. A perpetual license issued under this section  
6 does not expire and is not subject to renewal. An active judicial  
7 officer is not required to attend the classroom instruction part of  
8 the continuing education proficiency course to renew a renewable  
9 license.

10 (h) The department shall issue a license to carry a  
11 concealed handgun under the authority of this subchapter to an  
12 elected attorney representing the state in the prosecution of  
13 felony cases who meets the requirements of this section for an  
14 active judicial officer. The department shall waive any fee  
15 required for the issuance of an original renewable license,  
16 duplicate renewable license, or renewed renewable license under  
17 this subchapter for an applicant who is an attorney elected or  
18 employed to represent the state in the prosecution of felony cases.  
19 The department may not waive any fee required for the issuance of an  
20 original perpetual license or duplicate perpetual license.

21 SECTION 18. (a) The Department of Public Safety shall adopt  
22 rules required by the change in law made by this Act regarding  
23 perpetual concealed handgun licenses not later than December 1,  
24 2009.

25 (b) The Department of Public Safety shall issue perpetual  
26 licenses, including conversions to perpetual licenses, as provided  
27 by this Act, beginning January 1, 2010.

1           SECTION 19. The change in law made by this Act applies only  
2 to a concealed handgun license issued or renewed on or after January  
3 1, 2010. A concealed handgun license issued or renewed before  
4 January 1, 2010, is covered by the law in effect when that license  
5 was issued or renewed, and the former law is continued in effect for  
6 that purpose.

7           SECTION 20. This Act takes effect September 1, 2009.