

**2007 AMENDMENTS TO
CONCEALED HANDGUN STATUTE
AND
RELATED STATUTES***

80TH LEGISLATIVE SESSION

**HB 233 Waiver of licensing fees for certain members of the military
& veterans**

- Complete waiver of fee (change from 50% reduction) for current and recently (within 365 days) honorably discharged members of certain military.
- Provides for 50 % reduction in fees if the applicant for the license is a veteran who, more than 365 days preceding the date of the application, was honorably discharged from the branch of the service in which the person served.
- Defines "veterans" in part by referring to definition of "state military" provided in Section 431.001 of Gov't Code, thus limiting the scope of the fee waiver for veterans of state military to veterans of the Texas state military.

Amends Section 411.1951:

Waiver or Reduction of Fees for Members or Veteran's of the United States
Armed Forces.

(a) In this section, "veteran" means an a person who:

(1) has served in:

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

(b) the state military forces as defined by Section 431.001; 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.

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

* Unless otherwise indicated, all bills become effective on September 1, 2007.

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

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

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

HB 991 Confidentiality of CHL Records

Effective Immediately

- Renders confidential information previously disc losable regarding whether a named individual is licensed to carry a concealed handgun, and the licensee's name, date of birth, gender, race, and zip code.

Amends Section 411.192 Confidentiality of Records as follows:

(a) The department shall disclose to a criminal justice agency information contained in its files and records regarding whether a named individual or any individual named in specified list is licensed under this subchapter. Information on an individual subject to disclosure under this section includes the individual's name, date of birth, gender, race, and zip code. Except as otherwise provided by this section and by Section 411.193, all other records maintained under this subchapter are confidential and are not subject to mandatory disclosure under the open records law, Chapter 552.

(b) An applicant or license holder may be furnished a copy of disc losable records regarding the applicant or license holder on request and the payment of a reasonable fee.

(c) The department shall notify a license holder of any request that is made for information relating to the license holder under this section and provide the name of the agency making the request.

(d) This section does not prohibit the department from making public and distributing to the public at no cost lists of individuals who are certified as qualified handgun instructors by the department.

HB 1839 Training requirements for renewals

- Provides that a renewal applicant need not complete the otherwise required course in handgun proficiency, nor obtain the otherwise required proficiency certificate, more than once in any 10-year period.

Amends Government Code § 411.185(a) as follows:

To renew a license, a license holder must:

- (1) complete a continuing education course in handgun proficiency under Section 411.188(c) 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:
- (2) obtain a handgun proficiency certificate under Section 411.189 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 obtain the certificate more than once in any 10-year period;....

H.B. 1815 Traveling & Unlicensed Carry

- Allows the unlicensed carrying of a concealed handgun inside or directly en route to the person's motor vehicle.

Amends Section 46.02, Penal Code to add Subsection (a-1) and (a-2):

- (a) A person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun, illegal knife or club if the person is not:
 - (1) on the person's own premises or premises under the person's control; or
 - (2) inside of or directly en route to a motor vehicle that is owned by the person or under the person's control.

(a-1) A person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun in a motor vehicle that is owned by the person or under the person's control at any time in which:

(1) the handgun is in plain view; or

(2) the person is:

(A) engaged in criminal activity, other than a Class C misdemeanor that is a violation of a law or ordinance regulating traffic;

(B) prohibited by law from possessing a firearm; or

(C) a member of a criminal street gang, as defined by Section 71.01.

(a-2) For purposes of this section, "premises" includes real property and a recreational vehicle that is being used as living quarters, regardless of whether that use is temporary or permanent. In this subsection, "recreational vehicle" means a motor vehicle primarily designed as temporary living quarters or a vehicle that contains temporary living quarters and is designed to be towed by a motor vehicle. The term includes a travel trailer, camping trailer, truck camper, motor home, and horse trailer with living quarters.

Amends Section 46.15(b): In pertinent part:

(b) Section 46.02 does not apply to a person who:

(2) is traveling:

(3) is engaging in lawful hunting, fishing, or other sporting activity on the immediate premises where the activity is conducted, or is en route between the premises and the actor's residence or motor vehicle, if the weapon is a type commonly used in the activity....

Repeals Section 46.15(h), Penal Code (defining 'recreational vehicle' as a residence) and Section 46.15(i) (the "traveling presumption").

HB 1889 Exemptions from Carrying Prohibitions for Prosecutors, Judges & Designated Bailiffs

Effective Immediately

- Exempts from the prohibitions against carrying in certain places, municipal and county attorneys and judges who are licensed to carry concealed handguns, and bailiffs designated by a judicial officer as an escort for that officer and

licensed to carry a concealed handgun, while engaged in escorting the judicial officer,

Amends Section 46.035, Penal Code, by adding Subsection (h-1):

(h-1) It is a defense to prosecution under Subsections (b) and (c) that the actor, at the time of the commission of the offense, was:

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

(2) a bailiff designated by the active judicial officer and engaged in escorting the officer.

Amends Section 46.15(a), Penal Code: as follows:

(a) Sections 46.02 and 46.03 do not apply to:

(6) a district attorney, criminal district attorney, municipal attorney, or county attorney who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code; or

(7) a bailiff designated by an active judicial officer as defined by Section 411.01, Government Code, who is:

(A) licensed to carry a concealed handgun under Chapter 411, Government Code; and

(B) engaged in escorting the judicial officer

HB 2112 Prohibition against Carrying in School Parking Lots

- Prohibits the intentional exhibition, use or threat to use or exhibit a firearm in or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school.

Amends Section 37.125(a), Education Code, as follows:

(a) a person commits an offense if, in a manner intended to cause alarm or persona injury to another person or to damage school property, the person intentionally exhibits, uses, or threatens to exhibit or use a firearm;

(1) in or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or

(2) on a school bus being used to transport children to or from school-sponsored activities of a private or public school.

HB 2300 Creating Unique CHL For Certain Judges and Prosecutors and Providing Exemptions from Certain Unlawful Carrying Provisions

Effective Immediately

- Requires the Department to establish a procedure by which the concealed handgun license of a judge, justice, prosecuting attorney, or assistant prosecuting attorney indicates the license holder's status as such an officer.
- Exempts a district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney, from the application of Subsections (b)(1), (2), and (4)-(6), (c), and (d) of Section 46.035, Penal Code (which establishes places that licensed carry is prohibited).
- Creates Sec. 411.1882 of the Gov't Code, which exempts judges and district and county attorneys from the requirement of a handgun proficiency certificate if a handgun proficiency instructor approved by the TCLEOSE certifies to the individual's proficiency.

Amends Section 411.179, "Form of License" as follows:

(c) In adopting the form of the license under Subsection (a) the department shall establish a procedure for the license 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 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.

Amends Sections 411.181(a) and (b) as follows:

- (a) If a person who is a current license holder moves from the address stated on the license, 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 becomes inapplicable for purposes of Section 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 with the number of the person's license and, as applicable...
- (b).....or if the person's status becomes inapplicable as described by Subsection (a), the person shall apply for a duplicate license. The duplicate license must reflect the person's current name and status.

Amends Section 46.035, Penal Code amends Section 46.035 by adding (h-1) as follows:

(H-1) It is a defense to prosecution under Subsections (b)(1), (2) and (4)-(6), and

(c) that at the time of the commission of the offense, the actor was:

(1) a judge or justice of a federal court;

(2) an active judicial officer, as defined by Section 4121.201, Government Code; or

(3) a district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney.

Adds Section 411.1882, "Exemption from Handgun Proficiency Certificate Requirement For Certain Persons," which provides:

(a) 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 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 who is exempt under Subsection (a) from the handgun proficiency certificate requirement may submit a form demonstrating the person's qualifications for an exemption under that subsection. The form must provide sufficient information to allow the department to verify whether the person qualifies from 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.

Amends Section 411.201(a)(1) by adding (B) a federal judge who is a resident of this state.

Amends Section 46.15(a), Penal Code as follows: (a) Sections 46.02 and 46.03 do not apply to:

(7) an assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code.

SB 535 Allows Carrying on LCRA Property

- Creates exemption for CHL holders from Parks and Wildlife Code prohibition against hunting with, possessing, or shooting a firearm on the land of the Lower Colorado River Authority
- Prohibits any state agency from adopting a rule that would prohibit a CHL holder from entering or crossing the land of the Lower Colorado River Authority under certain circumstances

Amends Section 62.082, Parks and Wildlife Code, as follows:

Section 62.082 Target Ranges, Managed Hunts, and other Exceptions; Rules.

(d) Section 62.081 does not apply to:

(1) an employee of the Lower Colorado River Authority;

(2) a person authorized to hunt under Subsection (c);

(3) a peace officer as defined by Article 2.12, Code of Criminal Procedure;

or

(4) a person who:

(A) possess a concealed handgun and a license issued under Subchapter H, Chapter 411, Government Code, to carry a concealed handgun of the same category as a handgun the person is carrying; or

(B) under circumstances in which the person would be justified in the use of deadly force under Chapter 9, Penal Code, shoots a handgun of the same category as a handgun the person is licensed to carry under Subchapter H, Chapter 411, Government Code.

(e) A state agency, including the department, the Department of Public Safety, and the Lower Colorado River Authority, may not adopt a rule that prohibits a person who possesses a license issued under Subchapter H, Chapter 411, Government Code, from entering or crossing the land of the Lower Colorado River Authority while:

(1) possessing a concealed handgun of the same category as a handgun the person is licensed to carry; or

(2) under circumstances in which the person would be justified in the use of deadly force under Chapter 9, Penal Code, shooting a handgun of the same category as a handgun the person is licensed to carry

SB 835 Federal Judges Eligible as “Judicial Officers”

Effective Immediately

- Renders Section 411.201 of the Government Code (establishing guidelines for the issuance of concealed handgun licenses to judicial officers) applicable to *federal judges who are residents of Texas*

Amends Subsection 411.205, Government Code as follows

(1) “Active judicial officer means”:

(A) a person serving as a judge or justice of the supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court; or

(B) a federal judge who is a resident of this state.

SB 1709 Disarming of CHL holder within Secure Area of Police or Sheriff Department’s Office

- Provides that a peace officer may temporarily disarm a license holder when a license holder enters a nonpublic, secure portion of a law enforcement facility, and that the weapon shall be stored in a secure gun locker and returned when the individual leaves the facility.
- Requires prominent notice at the entrance to the facility.
- Applies only to premises used for the official business of peace officers described by Articles 2.12(1) and (3), Code of Criminal Procedure (referring to sheriffs and municipal police officers).

- Defines "law enforcement facility" as "a building or a portion of a building used exclusively by a law enforcement agency that employs peace officers as described by Articles 2.12(1) and (3), Code of Criminal Procedure, and support personnel to conduct the official business of the agency.