

CHAPTER 3

**Frequently Asked Questions about Texas  
Concealed Handguns**

Q: Once I submit my application, when should I expect to receive my license?

A: The department will make every effort to issue your license within 60 days or inform you that you did not meet the eligibility criteria. Once your application is complete, processing may take up to 180 days if your background check reveals potentially disqualifying events or information.

Q: How long is a license valid?

A: An **initial CHL** expires on the license holder's first birthday following the **four-year** anniversary of the issuance of the license. In other words, an **initial license** is valid for **four (4) years**, and in many cases, for some additional months. All **renewed licenses** are valid for **five (5) years**.

Q: If I am a legal resident alien, can I get a license?

A: It depends. A resident alien who has been admitted to the U.S. under an immigrant visa category will generally be eligible for a concealed handgun license. However, under federal law, an alien who has been admitted to the U.S. under a non-immigrant visa usually is not qualified to purchase a handgun and thus is not eligible for a license. If you legally reside in Texas and were not admitted to the U.S. under a non-immigrant visa, you may be eligible.

Q: Can others find out if I am licensed to carry a concealed handgun?

A: Information about persons who are licensed to carry a concealed handgun is confidential and may not be disclosed to an individual. However, upon proper request by a criminal justice agency, DPS must disclose to the agency whether or not a named individual is licensed to carry a concealed handgun. Disclosable information includes the license holder's name, date of birth, gender, and zip code. DPS must notify the license holder about the request and provide him/her the name of the agency making the request.

**Q:** If I move or change my name (or status, if you are a judge or a prosecuting attorney), how do I change the address or name on my license?

**A:** You must contact the DPS Concealed Handgun Section to receive a change of address form, or you may send a letter including your full name, CHL number, old address and new address (or status) and a cashier's check or money order for \$25. You may call 1-800-224-5744, write Texas Dept. of Public Safety Concealed Handgun Licensing Bureau, P.O. Box 4087, Austin, Texas, 78773 or online at [http://www.txdps.state.tx.us/administration/crime\\_records/chl/chlsindex.htm](http://www.txdps.state.tx.us/administration/crime_records/chl/chlsindex.htm).

**Q:** What are the requirements for obtaining a license?

**A:** The concealed handgun law sets out the eligibility criteria that must be met. Your application packet will list them in detail. For example, you must be qualified to purchase a handgun under the state and federal laws. A number of factors may make you ineligible to obtain a license, such as: felony convictions and most misdemeanor convictions that are less than five years old, (including charges that resulted in probation or deferred adjudication), pending criminal charges, chemical or alcohol dependency, certain psychiatric diagnoses, protective or restraining orders, or defaults on taxes, governmental fees, student loans or child support. *See Texas Gov't. Code § 411.172.*

The application packet also will include information about materials you need to return with your application packet. These include two recent color passport photos, two sets of fingerprints taken by a law enforcement agency employee or a private entity designated by a law enforcement agency as an entity qualified to take fingerprints of an applicant for a license, a copy of your Texas driver license or identification card, and a notification of completion form (TR 100) from a DPS-authorized training course.

After receiving completed application packets, DPS will conduct background checks of juvenile records for the previous 10 years, and of all adult records.

**Q:** If I was convicted of a misdemeanor offense two years ago, can I still get a concealed handgun license?

A: No. Let's take DWI as an example. DWI (first offense) is a Class B misdemeanor, and a person is not eligible for a license for five years after a conviction for a Class A or Class B misdemeanor or for the offense of disorderly conduct. A "conviction" includes cases that were dismissed after you completed probation or deferred adjudication. If you have been convicted of two or more alcohol or drug-related misdemeanor offenses within the last 10 years, you may not be eligible.

Q: I After I was arrested and charged with a criminal offense, I received an order of deferred adjudication. Is this considered a conviction, even though the case was eventually dismissed?

A: Yes. The concealed handgun law states that deferred adjudication will be treated as a conviction, except for orders of deferred adjudication over 10 years old for certain felony offense not involving violence against a person. See *Texas Gov't. Code § 411.171(4)*.

Q: If a judge has found me to be delinquent on my payment of child support, but I have since worked out an arrangement with the Attorney General's office to pay off the debt, can I get a license?

A: Yes. If you have a payment plan with a government agency for back taxes or child support and the agency sends DPS a clearance letter, you may apply. Include a copy of the agreement and letter with your application materials. The concealed handgun law was designed to encourage those who made no effort whatsoever to pay what they owe.

Q: If I have spent time in a psychiatric care facility, will I be eligible for a license?

A: Unless you have been legally adjudicated as a mental defective, eligibility for a concealed handgun license depends on your current diagnosis. Past psychiatric treatment will not necessarily make you ineligible. When you submit your application you may wish to include a letter or statement from your treating physician regarding the current status of your condition.

Q: Should I list all arrests on my application even if the cases were dismissed or I was found not guilty?

A: Yes. Failure to disclose all of your arrests and convictions is an independent ground for your denial of your application.

Q: If I was arrested for an offense but the charges were dismissed, will my application be rejected?

A: No. Dismissals are not grounds for denial, as long as you were not placed on probation or deferred adjudication prior to the dismissal.

Q: Do I have to meet all of the federal Brady Law requirements to get a license in Texas?

A: Yes. In order to be eligible for a Texas concealed handgun license, you must be fully eligible under both Texas and federal law to purchase a handgun (except for military applicants who are at least 18 years of age but under the age of 21).

Q: Do I have to take a special class to get a license?

A: Yes. You must take a 10- to 15-hour class taught by a DPS-certified instructor. The notification of completion form (TR 100) you receive from the instructor must be sent to DPS with your other application materials.

Q: How can I find out if someone is a certified handgun instructor?

A: A list of certified handgun instructors can be found on the DPS website at [www.txdps.state.tx.us](http://www.txdps.state.tx.us). You can also obtain the information by calling (512) 424-7293 or 424-7294 or 1(800) 224-5744.

Q: Can I take the handgun training class at the DPS Training Academy?

A: No. DPS only provides training for instructors.

Q: How much do the training classes cost?

A: The price of the course is set by the instructor. DPS does not regulate the cost of the classes.

Q: What control does DPS have over handgun instructors?

A: DPS certifies and can review their records and monitor their classes to make sure they are following the required curriculum.

Q: What if I take a class from an instructor whose certificate was revoked. Is my proficiency certificate still good?

A: No. An instructor's certificate must be valid to receive a valid proficiency certificate.

Q: Will I need to own a handgun before I begin my training classes?

A: Not necessarily. Some instructors may require you to use your own handgun during the firing range portion of instruction and testing, but you may legally demonstrate handgun proficiency with a borrowed or rented handgun.

Q: Are police officers, retired police officers, judicial officers, ex-DPS or retired DPS officers required to take the handgun course for proficiency certification, or are they exempt?

A: Retired law enforcement officers are exempt from taking the handgun proficiency course. However, they must demonstrate weapons proficiency annually through a law enforcement agency. Active, commissioned peace officers also are exempt from taking the proficiency course. Judges and district and county prosecutors are not required to take the proficiency course, provided they submit a sworn statement from a TCLEOSE-certified handgun instructor certifying that they have demonstrated handgun proficiency to the instructor within the previous twelve months.

Q: Can I start carrying a concealed handgun as soon as I receive my license in the mail?

A: Yes, but you may not carry before you receive the license.

Q: My concealed handgun license has expired, and my renewal application is in process. Can I carry a concealed handgun while I am waiting to receive my new license?

A: No. You must have a currently valid license in your possession to carry a concealed handgun.

Q: What does "concealed" mean?

A: "Concealed" means that the weapon cannot be visible, and that its presence cannot be discernible through ordinary observation. It is a criminal offense for a license holder to carry a handgun in plain view, or to intentionally fail to conceal the weapon.

Q: Where can I not carry my handgun?

A: Handguns and other weapons cannot be carried at schools or on school buses, at polling places, in courts and court offices, at racetracks, at secured airport areas or within 1,000 feet of the premises of an execution on the day of execution. The law also specifically prohibits handguns from businesses where alcohol is sold if more than half of their revenue is from the sale of alcohol for on-premises consumption, and from locations where high school, college or professional sporting events are taking place. You may not carry handguns in hospitals or nursing homes, amusement parks, places of worship or at government meetings if signs are posted prohibiting them. Businesses also may post signs prohibiting handguns on their premises based on criminal trespass laws. See *Texas Penal Code § 46.035*. (Judges, prosecuting attorneys, peace officers and parole officers should consult *Texas Penal Code § 46.15* regarding exemptions from the "no-carry" rules of the Penal Code.)

Q: Can I carry a handgun if I am drinking alcohol?

A: "Carrying" while drinking is not prohibited, but it is a criminal offense to carry while intoxicated.

Q: Do police officers have the right to disarm me?

A: Yes. If a peace officer reasonably believes a safety risk exists, the officer may disarm you.

Q: Do private property owners have the right to exclude license holders from their property?

A: Yes. Private property owners may give notice excluding license holders from carrying concealed handguns. If you carry a concealed handgun on posted property, you can be charged with criminal trespass by a license holder. The charge is a Class A misdemeanor, and if you are convicted, your license will be revoked.

Q: If I am a business owner or manager and do not want guns in my business, what type of sign should I post?

A: If you want to prohibit license holders from carrying concealed handguns on your property, state law requires you provide notice to potential trespassers, either orally or by posting a sign that says: "Pursuant to Section 30.06, Penal Code (trespass by holder of license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a concealed handgun." The sign must be written in both English and Spanish in contrasting colors with block letters at least one inch in height, and must be displayed in a conspicuous manner clearly visible to the public. Visit the DPS website at [www.txdps.state.tx.us](http://www.txdps.state.tx.us) for the specific language and specifications for the sign.

Q: If I drive to a shopping mall that does not permit handguns, will I be allowed to park in the parking lot and leave my gun in the car?

A: If the parking lot is not posted with the sign described above, handguns may be left in the cars. However, if the sign is posted in or at the entrance to the parking lot, you may not.

Q: Can a license holder have a handgun in the license holder's vehicle in a school parking lot?

A: A license holder is not prohibited from having a handgun in his or her vehicle in a school parking lot. (School employees should know and comply with their employer's policy on this point.) However, it is a criminal offense for any person who is on school property to exhibit, use, or threaten to exhibit or use a firearm. See *Texas Education Code § 37.125(a)*.

Q: If my handgun is on the seat beside me, am I still considered to be "carrying?"

A: Yes. The statute refers to carrying a gun "on or about" your person. Texas courts generally have considered this to include any gun within your reach, including one stored in your glove compartment or even in a passenger's purse, if you can reach it without materially changing your position.

**Q: Can I carry a handgun without a license while driving or traveling in a motor vehicle?**

**A: Effective September 1, 2007, a person who can legally possess a firearm may possess or carry a handgun in a motor vehicle (including a recreational vehicle with living quarters) that is owned by or under the lawful control of the person. However, the firearm must be concealed, the person may not be engaged in criminal activity, and may not be a member of a "criminal street gang." The person may also carry the handgun to and from his vehicle without a license. See *Texas Penal Code § 46.02 (a)*. However, DPS recommends that you seek the advice of an attorney with any questions regarding the unlicensed carrying of weapons.**

**Q: If I am not carrying my handgun, must I still carry my license?**

**Under the concealed handgun law, you are only required to have your license with you whenever you are carrying your handgun. However, many license holders choose to carry their license with them at all times.**

**Q: What type of handgun will I be able to carry?**

**A: You may carry any type of legal, concealed handgun you are qualified to use. If you wish to carry a semi-automatic weapon, you must complete your firing range test with a semi-automatic. If you demonstrate handgun proficiency with a semi-automatic handgun, your license also entitles you to carry a revolver. If you do not wish to carry a semi-automatic, you may test with a revolver.**

**Q: If licensed, can I carry more than one handgun at a time?**

**A: If you can conceal them. The law does not specify or limit the number of guns you may carry.**

**Q: If my license is revoked, when may I apply for a new license?**

**A: You may not apply until the reason of your revocation has not existed for two years. In other words, the revocation of a license brings with it at least two extra years on ineligibility.**



Example 1: Your license is revoked on 08/15/2007 because you were subject to a protective order. The protective order expired on 10/15/2007. You may apply on 10/15/2009 if you meet all eligibility requirements.

Example 2: Your license is revoked on 08/15/2007 because you were convicted of a Class B misdemeanor on 04/01/2007. You may apply on 04/01/2014 if meet all eligibility requirements. The misdemeanor conviction itself makes you ineligible until 04/01/2012 (five years after date of conviction); the two extra years of ineligibility that result from the license's revocation make you ineligible until 04/01/2014.

Q: I have applied to become an instructor. When will I take the class?

A: In most cases, you will be notified of classes several weeks in advance. You will receive notification in the mail along with a card you should return indicating whether you will attend, or whether you are still interested in becoming an instructor. Some applicants may be contacted on shorter notice by phone if cancellations occur.

Q: Can instructors use the DPS emblem on their targets?

A: No. DPS does not endorse any commercial enterprise, and law prohibits the unauthorized use of the DPS name or insignia.

Q: What are the specifications for gun ranges? I have applied to take the instructor's class, but meanwhile, I would like to start building/renovating my range to meet DPS specifications.

A: Range instruction and proficiency demonstration must be conducted at a shooting range facility registered with the department. To be registered, each range must comply with applicable municipal, state, and federal law. Per administrative rule, a range must be designed for at least a 15-yard shooting distance.

Q: What is the classroom and gun range curriculum for the school?

A: Instructor applicants will receive a lesson plan as a part of their DPS training.

Q: Can I get a copy of the instructor certification test?

A: No.