

SUBJECT: Concealed handgun license for person intending to establish residency

COMMITTEE: Law Enforcement — committee substitute recommended

VOTE: 4 ayes — Driver, Garza, Hupp, Hegar

0 nays

3 absent — Burnam, Y. Davis, Keel

WITNESSES: For — Tara Mica, National Rifle Association; Craig C. Lindsay

Against — None

BACKGROUND: Government Code, sec. 411.172 sets eligibility requirements for a person to obtain a license to carry a concealed handgun. The Department of Public Safety (DPS) issues licenses. In general, a person must be a Texas resident for the six-month period before the date of the application. However, under sec. 411.173(a), DPS must establish a procedure for obtaining a license for people who are legal residents of states that do not issue licenses to carry concealed handguns. Those people must meet all other eligibility requirements except for the six-month residency requirement.

Sec. 411.173(b) requires DPS to negotiate agreements with other states that issue concealed handgun licenses so that Texas recognizes licenses issued by another state if DPS determines that the eligibility requirements imposed by the other state include background-check requirements that meet or exceed requirements imposed by federal law as a condition of receiving a handgun, and if the other state recognizes Texas licenses.

DIGEST: CSHB 1704 would require DPS to establish a procedure for obtaining a Texas concealed handgun license for a person from another state if the person relocated to Texas with the intent to establish Texas residency.

If a person in another state had obtained a Texas license and the state where the person lived enacted a law providing for issuance of concealed handgun licenses, the license issued from Texas would remain in effect until it expired,

and the license could be renewed unless DPS negotiated a reciprocity agreement with that state.

The bill would take effect September 1, 2003.

**SUPPORTERS
SAY:**

CSHB 1704 would make Texas' concealed handgun licensing process more fair by allowing people who move to Texas intending to become Texas residents to apply for and obtain a license without first waiting six months. CSHB 1704 would deal narrowly with people who intend to become state residents and would not loosen any other eligibility or background-check requirements. All applicants, even new state residents, would be subject to careful, detailed background checks.

Currently, new Texas residents must wait six months before applying for a license and then must wait about another three months while their application is processed. It is unfair and unnecessary to make these new Texas residents wait about nine months to obtain their licenses when other states' residents can obtain their licenses without such delays.

CSHB 1704 would not eliminate the six-month residency requirement altogether. A person who wanted to obtain a license before he or she had lived in Texas for six months would have to follow the procedure established by DPS under this bill. DPS could establish rules or procedures to verify that a person intended to become a state resident. For example, DPS could require a person to produce a lease or mortgage on a home or apartment, a receipt for utility service, a paycheck, or proof of school registration. People who could not meet the requirements established by DPS to prove they intended to become state residents would have to live in Texas six months before applying for a license.

CSHB 1704 would address problems with the current concealed handgun statute that unfairly penalize people from other states who have obtained Texas licenses. Currently, if a person from another state has a Texas license and the other state enacts a law licensing concealed handgun carriers, DPS sends those people a letter stating that DPS will rescind the Texas license. This is unfair, since these license holders have paid for their licenses to be valid for, generally, a four-year period. Also, since these people have gone through Texas' application process, including a background check and

training classes, it is unfair to cancel their licenses, leaving them no way to carry a concealed handgun in Texas. CSHB 1704 would address these problems by allowing these licenses to be valid until they expired and by allowing people to renew these licenses unless Texas had a reciprocity agreement with the other state. If Texas had a reciprocity agreement, the licensees would have to obtain licenses from their own state if they wanted to carry concealed handguns in Texas.

OPPONENTS
SAY:

The Legislature should not loosen any eligibility requirement for obtaining a concealed handgun license. It would be unwise to change the carefully crafted residency requirement established when the concealed handgun statute was enacted. Originally, one reason for enacting the six-month residency requirement was to ensure that a person had some history living in Texas that could be investigated if he or she applied for a license. For example, if the applicant recently had lived in a remote country, an extensive background check would be nearly impossible, so a six-month stay in Texas would be important for investigating the person's background. Doing away with that requirement could leave DPS without adequate information to assess when deciding whether to issue a license. This could be especially important in view of current concerns about homeland security.

NOTES:

The committee substitute added the provisions related to keeping certain licenses in effect until they expire and allowing them to be renewed until a reciprocity agreement was reached with another state.

A similar bill, HB 3477 by Stick, also is on today's House calendar. The companion bill, SB 1406 by Estes, is scheduled for a public hearing in the Senate Criminal Justice Committee on May 6.