

- SUBJECT:** Ending requirement that concealed handgun license holders show ID
- COMMITTEE:** Public Safety — favorable, without amendment
- VOTE:** 9 ayes — Merritt, Frost, Burnam, Driver, P. King, Lewis, Mallory Caraway, Rodriguez, Vo
0 nays
- WITNESSES:** For — Mike Cox; Alice Tripp, Texas State Rifle Association; (*Registered, but did not testify*: Norman Garza, Texas Farm Bureau)

Against — (*Registered, but did not testify*: David Gonzalez; Joe Saldana, San Antonio Police Officers Association)

On — Chris W. Jones, Combined Law Enforcement Associations of Texas (CLEAT)
- BACKGROUND:** Government Code, sec. 411.205 requires that concealed handgun license holders who are carrying their weapons show both their concealed handgun license and their driver’s license or Department of Public Safety (DPS) identification card to a law enforcement officer or a magistrate upon request.

Concealed handgun license holders who fail or refuse to show identification are subject to:
- a suspension of their concealed handgun license for up to 90 days under Government Code, sec. 411.187 on a first offense; or
 - a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000) for a second or subsequent offense.
- DIGEST:** HB 410 would repeal Government Code, sec. 411.205, eliminating the requirement that concealed handgun license holders who were carrying their weapons present their concealed handgun license and other identification upon demand by a law enforcement officer.

The bill also would amend Government Code, sec. 411.187 to delete the authority of DPS to suspend a concealed handgun license for failure or

refusal to display the concealed handgun license to a law enforcement officer.

HB 410 would prevent any future suspensions or criminal penalties for violations on or after the bill took effect and would require dismissal of any suspensions or criminal penalties for failure to show identification pending on that date.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS
SAY:**

HB 410 would provide the same rights to concealed handgun license holders when they were traveling that are enjoyed by law-abiding gun owners who do not have concealed handgun licenses. Last session, the Legislature enacted HB 1815 by Isett, which provided clear guidance on what constitutes “traveling,” a time when Texans have historically been allowed to carry weapons for their personal protection. Under current law, those without concealed handgun licenses may be returning from a hunting trip or the firing range and do not have an obligation to inform a police officer of the weapon in their passenger compartment, glove box, trunk, trailer, or boat. However, concealed handgun license holders must disclose the presence of the weapon or face suspension of their permits and possible criminal penalties. HB 410 would end the anomaly created in the law and treat all law-abiding gun owners fairly.

Concealed handgun license holders must undergo rigorous background checks and take classes on Texas law and conflict resolution. They pose almost no risk to law enforcement officers. Most declare their weapons as a safety precaution during a traffic stop.

**OPPONENTS
SAY:**

Concealed handgun license holders should be held to a higher standard because they can carry their weapons in situations when they are not considered to be traveling under state law. Informing a police officer that a weapon is present, especially when the handgun is not as concealed as the license holder believes it to be, could eliminate any surprises for the officer and would ensure the safety of all involved.

NOTES:

The companion bill, SB 838 by Hinojosa, was considered in a public hearing of the Senate Criminal Justice Committee on March 24 and left pending.