

SUBJECT: Revising the expiration of a license to carry a handgun for certain persons

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 7 ayes — Nevárez, Paul, Burns, Clardy, Goodwin, Lang, Tinderholt

1 nay — Israel

1 absent — Calanni

WITNESSES: For — Bradley Hodges; (*Registered, but did not testify:* Adam Cahn, Cahnman's Musings; Chris Jones, Combined Law Enforcement Associations of Texas; Matthew Williamson, Dallas Police Department; David Sinclair, Game Warden Peace Officers Association; Mark Clark, Houston Police Officers' Union; Rick Briscoe and CJ Grisham, Open Carry Texas; Stephen Broden and Mark Dorazio, Republican Party of Texas; Christopher Lutton, San Antonio Police Department; Mitch Landry, Texas Municipal Police Association; Sheila Hemphill, Texas Right To Know; and seven individuals)

Against — (*Registered, but did not testify:* Michael Cargill, Central Texas Gun Works; Gyl Switzer and Louis Wichers, Texas Gun Sense; Richard Clark)

On — Steve Moninger, Department of Public Safety; (*Registered, but did not testify:* Jeremy Kahn; Cynthia Klentzman; Anthony Sieli)

BACKGROUND: Government Code sec. 411.183 sets the expiration dates of a license to carry a handgun. An issued license expires on the first birthday of the license holder occurring four years after it was issued. A renewed license expires on the holder's birthdate five years after the expiration date of the previous license. A duplicate or modified license expires on the date the license that was duplicated or modified would have expired.

It has been noted that the expiration dates of handgun licenses do not

make provisions for the expiration of a license of a holder who is not a U.S. citizen and whose lawful presence in the country expires. Some have raised concerns that a person whose legal status had expired but who still had an active handgun license would be able to purchase a firearm even though the person would be prohibited from carrying it until the person's legal status was reinstated.

DIGEST:

CSHB 4428 would revise the expiration dates of an original or renewed license to carry a handgun. An issued license would expire on:

- the earlier of the first birthday of the license holder occurring four years after it was issued or the expiration of the holder's lawful presence in the United States as determined by a federal agency; or
- the first anniversary of the issuance date, if there was no definite expiration for an applicant's lawful presence in the United States.

A renewed licensed would expire on:

- the earlier of the license holder's birthdate occurring five years after the expiration of the previous license or the expiration of the holder's lawful presence in the United States as determined by a federal agency; or
- the first anniversary of the renewal date, if there was no definite expiration for an applicant's lawful presence in the United States.

Under the bill, a license holder who was granted an extension for lawful presence in the United States could apply to the Department of Public Safety for a duplicate license with an updated expiration date that took into account the period of extension.

The bill would take effect September 1, 2019, and would apply only to an application for an original, renewal, or duplicate license submitted on or after that date.