

BILL ANALYSIS

Senate Research Center
81R2750 PEP-D

S.B. 838
By: Hinojosa
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under Section 411.205 (Displaying License; Penalty), Government Code, if a concealed handgun license holder is carrying a handgun on or about the license holder's person when a magistrate or a peace officer demands that the license holder display identification, the license holder is required to display both the license holder's driver's license or identification certificate and the license holder's handgun license. A person who fails or refuses to display the license and identification is subject to suspension of the person's license as provided by Section 411.187 (Suspension of License), Government Code. Section 411.187 also provides that a person commits a Class B misdemeanor offense if the person fails or refuses to display the license and identification as required after previously having had the person's license suspended for a violation of that requirement.

As proposed, S.B. 838 repeals Section 411.205 (Displaying License; Penalty), Government Code. The bill also amends Section 411.187 to remove language authorizing a licensure suspension for a failure to display a concealed handgun license as required under Section 411.205.

RULEMAKING AUTHORITY

This bill does not expressly grant additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Repealer: Section 411.205 (Displaying License; Penalty), Government Code.

SECTION 2. Amends Sections 411.187(a) and (c), Government Code, as follows:

- (a) Deletes existing text providing that a license may be suspended if the license holder fails to display a license as required by Section 411.205. Makes conforming changes.
- (c) Deletes existing text providing that a license may be suspended under this section for 90 days if the person's license is subject to suspension for a reason listed in Subsection (a)(2), except as provided in Subdivision (3). Makes conforming changes.

SECTION 3. Provides that an offense under Section 411.205, Government Code, may not be prosecuted after the effective date of this Act and requires the dismissal of a criminal action for an offense under that section that is pending on the effective date of this Act. Provides that a final conviction for an offense under Section 411.205, Government Code, that exists on the effective date of this Act is unaffected by this Act.

SECTION 4. Effective date: upon passage or September 1, 2009.