

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2137
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State Affairs
4/23/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been noted that the legislature recently enacted legislation waiving the fees involved with obtaining a handgun license for active peace officers. There have been calls to ensure that, once a peace officer retires, the officer is not then subjected to the applicable fees.

C.S.H.B. 2137 seeks to waive any fee required for a handgun license for an applicant who is a qualifying honorably retired peace officer and to exempt such an applicant from the classroom instruction and range instruction portions of a handgun proficiency course under certain circumstances.

This bill amends the Government Code to require the Department of Public Safety of the State of Texas to waive any fee required for a handgun license for an applicant who is a qualifying honorably retired peace officer. The bill requires the sworn statement from the head of the law enforcement agency employing the applicant to include whether the applicant holds a current certificate of weapons proficiency. The bill exempts an applicant who holds such a certificate from the range instruction portion of the handgun proficiency course and exempts an applicant who submits the appropriate fingerprints and applicable accompanying documentation and who complies with all other requirements for a handgun license from the requirement to complete the classroom instruction portion of the proficiency course.

The committee substitute strips a provision that was added on the floor of the House of Representatives that attempted to remove the expiration date from a retired officer's license to carry a handgun (LTC). This attempt jeopardizes federal recognition of Texas's LTC program as it would be a circumvention if background check requirements.

H.B. 2137 amends current law relating to an application made by certain retired state and federal officers to obtain a license to carry a handgun and waives a fee.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.199, Government Code, by amending Subsections (b), (d), (f), and (g) and adding Subsections (e) and (e-1), as follows:

(b) Requires the sworn statement from the head of the law enforcement agency employing the applicant to include whether the applicant holds a current certificate of proficiency under Section 1701.357 (Weapons Proficiency For Certain Retired Peace Officers and Federal Law Enforcement Officers and For Former Reserve Law Enforcement Officers), Occupations Code, and other criteria. Makes nonsubstantive changes.

(d) Requires the Department of Public Safety of the State of Texas to waive any fee required for a license issued under this subchapter (License to Carry a Handgun) to an

applicant under this section, rather than requires an applicant under this section to pay a fee of \$25 for a license issued under this subchapter.

(e) Provides that an applicant under this section who complies with Subsections (b) and (c) or Subsection (g), as applicable, and with the other requirements of this subchapter is not required to complete the classroom instruction portion of the handgun proficiency course described by Section 411.188 (Handgun Proficiency Requirement) to obtain a license under this subchapter.

(e-1) Provides that an applicant described by Subsection (e) who holds a current certificate of proficiency under Section 1701.357, Occupations Code, is not required to complete the range instruction portion of the handgun proficiency course described by Section 411.188 to obtain a license under this subchapter.

(f) Provides that a license issued under this subchapter to an applicant under this section expires as provided by Section 411.183 (Expiration).

(g) Provides that a retired officer of the United States who was eligible to carry a firearm in the discharge of the officer's official duties is eligible to apply under this section for a license issued under this subchapter, rather than is eligible for a license under this section.

SECTION 2. Makes application of Section 411.199, Government Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2019.