

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1691
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State Affairs
4/16/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A person who has had a protective order issued by a court to protect them from violence may not previously have had a license to carry a handgun, but may now feel that they need one to protect themselves from attack. If they have to wait the normal 60-day processing, it may be too late.

S.B. 1691 would require the Department of Public Safety of the State of Texas (DPS) to expedite the application of a license-to-carry applicant who submits along with their completed application materials a copy of an active protective order issued under Title 4 of the Family Code (Protective Orders and Family Violence) or Chapter 7A of the Code of Criminal Procedure (Protective Order For Victims of Sexual Assault or Abuse, Stalking, or Trafficking), or a magistrate's emergency order of protection under Article 17.292 of the Code of Criminal Procedure (issued after arrest for an offense involving family violence).

The bill does not lessen or waive any of the criteria for an application, it simply requires DPS to expedite the processing of the application, and waives the fees for an original, duplicate, modified, or renewed license for an applicant who submits with their application an active protective order. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1691 amends current law relating to expedited processing of certain applications for 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 411.177, Government Code, by amending Subsection (b) and adding Subsections (b-1) and (b-2), as follows:

(b) Provides that Subsection (b-1) is an exception to the requirement that the Department of Public Safety of the State of Texas (DPS) perform certain acts not later than the 60th day after the date of the receipt by the director's designee of the completed application materials.

(b-1) Requires DPS, if the applicant submits with the completed application materials a copy of an active protective order issued under Title 4 (Protective Orders and Family Violence), Family Code, or Chapter 7A (Protective Order For Victims of Sexual Assault or Abuse Stalking or Trafficking), Code of Criminal Procedure, or an active magistrate's emergency order of protection under Article 17.292 (Magistrate's Order For Emergency Protection), Code of Criminal Procedure, that indicates that the applicant is protected by the order, to, without charging a fee, expedite the application. Requires DPS, as soon as practicable after the receipt of the materials under this subsection, to:

(1) issue the license; or

(2) notify the applicant in writing that the application was denied:

(A) on the grounds that the applicant failed to qualify under the criteria listed in Section 411.172 (Eligibility);

(B) based on the affidavit of the director's designee submitted to DPS under Section 411.176(c) (relating to authorizing the director's designee to submit a written recommendation for disapproval of the application); or

(C) based on the affidavit of the qualified handgun instructor submitted to DPS under Section 411.188(k) (relating to authorizing a handgun instructor to submit a written recommendation for disapproval of the application for a license or modification of a license).

(b-2) Requires the director to adopt policies for expedited processing under Subsection (b-1).

SECTION 2. Amends Subchapter H, Chapter 411, Government Code, by adding Section 411.1954, as follows:

Sec. 411.1954. WAIVER OF FEES FOR CERTAIN APPLICANTS WITH PROTECTIVE ORDER. Requires DPS, notwithstanding any other provision of this subchapter, to waive any fee required for the issuance of an original, duplicate, modified, or renewed license under this subchapter (License to Carry a Handgun) if the applicant submits to DPS a copy of an active protective order issued under Title 4, Family Code, or Chapter 7A, Code of Criminal Procedure, or an active magistrate's emergency order of protection under Article 17.292, Code of Criminal Procedure, that indicates that the applicant is protected by the order.

SECTION 3. Makes application of Section 411.177, Government Code, as amended by this Act, prospective.

SECTION 4. Makes application of Section 411.1954, Government Code, as added by this Act, prospective.

SECTION 5. Requires DPS to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, DPS, if the legislature does not appropriate money specifically for that purpose, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 6. Effective date: September 1, 2019.