

BILL ANALYSIS

Senate Research Center
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S.B. 2247
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Finance
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 85th Legislature, S.B. 16 lowered the application fee for a license to carry a handgun (LTC):

- from \$140 to \$40 for first-time applicants; and
- from \$70 to \$40 for renewal applications.

The application fees impose an additional financial burden on persons seeking a Texas LTC. As a result, fewer Texans enjoy the benefits of an LTC, which include reciprocity with other states and additional education about carrying a handgun safely, responsibly, and legally.

S.B. 2247 would eliminate all LTC application fees collected by the state (first-time, duplicate, modified, and renewal), thereby removing this financial barrier to persons wishing to be licensed to carry a handgun.

As proposed, S.B. 2247 amends current law relating to the removal of a fee for the issuance of an original, duplicate, modified, or renewed license to carry a handgun.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Department of Public Safety of the State of Texas is modified in SECTION 1 (Section 411.0625, Government Code) and SECTION 2 (Section 411.173, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.0625(c), Government Code, to delete existing text prohibiting the required rules adopted under Section 411.0625 (Pass for Expedited Access to Capitol) that include certain provisions that establish application and renewal fees in amounts sufficient to cover the cost of administering Section 411.0625 from exceeding the amounts of similar fees required under Section 411.174 (Application) for a license to carry a handgun (license).

SECTION 2. Amends Section 411.173(a), Government Code, to delete existing text requiring that the procedure for a person to obtain a license under Subchapter H (License to Carry a Handgun) include payment of a fee in an amount sufficient to recover the average cost to the Department of Public Safety of the State of Texas (DPS) of obtaining a criminal history record check and investigation on a nonresident applicant.

SECTION 3. Amends Section 411.174(a), Government Code, to delete existing text requiring an applicant for a license to submit to the director of DPS's designee described by Section 411.176 (Review of Application Materials) a nonrefundable application and license fee of \$40 paid to DPS. Makes nonsubstantive changes.

SECTION 4. Amends Section 411.179, Government Code, by amending Subsection (e) and adding Subsection (f), as follows:

(e) Deletes existing text defining "veteran" for purposes of this subsection (relating to requiring DPS to include the designation "VETERAN" on the face of any license under Subchapter H if the license is issued to a veteran who meets certain criteria).

(f) Provides that, for purposes of Subsection (e), "veteran" means a person who:

(1) has served in:

(A) the army, navy, air force, coast guard, or marine corps of the United States;

(B) the Texas military forces as defined by Section 437.001 (Definitions);
or

(C) an auxiliary service of one of those branches of the armed forces; and

(2) has been honorably discharged from the branch of the service in which the person served.

SECTION 5. Amends Section 411.181(h), Government Code, to delete existing text requiring an applicant for a duplicate license required under Section 411.181 (Notice of Change of Information; Duplicate License) to pay only the nonrefundable renewal fee.

SECTION 6. Amends Section 411.185(a), Government Code, to delete existing text requiring a license holder, to renew a license, on or before the date the license expires, to submit to DPS by mail or on the Internet payment of a nonrefundable renewal fee of \$40. Makes nonsubstantive changes.

SECTION 7. Amends Sections 411.186(a) and (c), Government Code, as follows:

(a) Deletes existing text requiring DPS to revoke a license under Section 411.186 (Revocation) if the license holder submits an application fee that is dishonored or reversed if the applicant fails to submit a cashier's check or money order made payable to the "Department of Public Safety of the State of Texas" in the amount of the dishonored or reversed fee, plus \$25, within 30 days of being notified by DPS that the fee was dishonored or reversed. Makes nonsubstantive changes.

(c) Makes a nonsubstantive change to this subsection.

SECTION 8. Amends Section 411.190(c), Government Code, to delete existing text requiring DPS to issue a license under the authority of Subchapter H to any person who pays to DPS a fee of \$40 in addition to the \$100 training fee.

SECTION 9. Amends Sections 411.201(d) and (h), Government Code, as follows:

(d) Deletes existing text requiring an applicant for a license who is an active or retired judicial officer to submit to DPS a nonrefundable application and license fee of \$25. Makes a nonsubstantive change.

(h) Deletes existing text requiring DPS to waive any fee required for the issuance of an original, duplicate, or renewed license under Subchapter H for an applicant who is a United States attorney or an assistant United States attorney or who is an attorney elected or employed to represent the state in the prosecution of felony cases.

SECTION 10. Amends Section 118.011(b), Local Government Code, to delete existing text authorizing a county clerk to set and collect a Mental Health Background Check for License to Carry a Handgun fee, not to exceed \$2, from any person. Makes a nonsubstantive change.

SECTION 11. Repealer: Section 411.181(d) (relating to requiring DPS to charge a license holder a duplicate license fee), Government Code;

Repealer: Section 411.181(i) (relating to authorizing a license holder whose application fee is dishonored or reversed to reapply for a duplicate license), Government Code;

Repealer: Section 411.186(d) (relating to authorizing a license holder whose license is revoked to reapply for an original or renewed license and pay a fee), Government Code;

Repealer: Section 411.194 (Reduction of Certain Fees Due to Indigency), Government Code;

Repealer: Section 411.195 (Reduction of Certain Fees for Senior Citizens), Government Code;

Repealer: Section 411.1951 (Waiver or Reduction of Fees for Members or Veterans of United States Armed Forces), Government Code;

Repealer: Section 411.1953 (Reduction of Fees for Community Supervision and Corrections Department Officers and Juvenile Probation Officers), Government Code;

Repealer: Section 411.1954 (Waiver of Certain Fees for Certain Applicants Who Hold Cardiopulmonary Resuscitation Certification), Government Code;

Repealer: Section 411.199(d) (relating to requiring DPS to waive any fee required for a license under Subchapter H for honorably retired peace officers), Government Code;

Repealer: Section 411.1991(c) (relating to requiring DPS to waive any fee required for a license under Subchapter H for peace officers), Government Code;

Repealer: Section 411.1992(d) (relating to requiring an applicant under Section 411.1992 (Former Reserve Law Enforcement Officers) to pay a fee for a license issued under Subchapter H), Government Code;

Repealer: Section 411.1993(e) (relating to requiring DPS to waive any fee required for a license under Subchapter H for county jailers), Government Code;

Repealer: Section 411.1994(d) (relating to requiring DPS to waive any fee required for a license under Subchapter H for state correctional officers), Government Code; and

Repealer: Section 118.0217 (Mental Health Background Check), Local Government Code.

SECTION 12. Makes application of this Act prospective.

SECTION 13. Effective date: September 1, 2021.