

SUBJECT: Extending handgun license renewal period from four years to five years

COMMITTEE: Law Enforcement — favorable, without amendment

VOTE: 5 ayes — Driver, Jackson, Hegar, Frost, Veasey

0 nays

2 absent — Burnam, Hupp

WITNESSES: For — None

Against — None

On — Lloyd Leppo, Jr.

BACKGROUND: The 74th Legislature in 1995 enacted SB 60 by Patterson, which permits Texans to apply for licenses to carry concealed handguns.

Under Government Code section 411.183(b), a renewed license to carry a concealed handgun expires on the license holder's birth date, four years after the date of expiration of the previous license.

Government Code section 411.185(a)(1) states that as a requirement for renewal, the licensee must attend a continuing education course in handgun proficiency no earlier than six months before the application for license renewal.

DIGEST: HB 225 would amend Government Code section 411.183(b) by extending the term of renewal for a concealed handgun license from four years to five years.

The bill would take effect September 1, 2005, and would apply to any concealed handgun license renewed on or after that date.

SUPPORTERS SAY: Increasing the time until renewal of a concealed handgun license is required would decrease the cost per year to the licensee of maintaining the license. The cost to a concealed handgun licensee of maintaining the

license is higher in Texas than in most other states, mainly because the comparatively high cost of the licensing fee in this state, an average of \$68.20. The bill would not affect the renewal period for initial handgun licenses, which would still be valid for only four years, nor would it change the requirement that licensees attend a continuing education course in order to renew the license.

The overall tendency of concealed handgun licensees to be law abiding citizens is well known. Both state and national gun advocates help to ensure licensees continue to follow the law by sending updates to licensees anytime a law is enacted concerning handguns. Requiring licensees to attend continuing education classes in handgun proficiency every five years rather than every four years prior to their license renewal would make no real difference. Also, no one may use ignorance of the law as an excuse for breaking the law. Therefore, licensees who were unaware of a change in the law relating to handguns would not be able to use his ignorance as an excuse for violating that law.

The Legislature regularly changes the laws that apply to concealed handguns. If the Legislature had wanted to require licensees to attend a continuing education course every time the law changed, it would have mandated such a requirement or it would have made handgun license renewals valid for only two years, the period from one legislative session to the next. Because the Legislature did none of these things, it is clear that lawmakers did not believe a potentially under-informed licensee would pose a danger to the community.

**OPPONENTS  
SAY:**

The continuing education course required for license renewal contains information about the laws that relate to handguns, including any changes to handgun laws enacted by the Legislature. Under current law, the licensee must renew the license every four years, but the expiration date is rounded up to the licensee's birth date, meaning that the license can be valid for nearly five years. Therefore, two regular legislative sessions can pass before a licensee must renew the license and take the continuing education course, where the licensee learns about changes to the law. HB 225 would extend the renewal period to five years, meaning that a license could be valid for nearly six years, and thus three legislative sessions could pass before the licensee would have to take the continuing education course. This would increase the time in which a concealed handgun licensee could become unaware of changes in the law that may affect

handguns, potentially having a negative effect on both the licensee and the community.

While extending the renewal period from four to five years may decrease the cost to the licensee, in the long term it also would decrease state revenue.

NOTES:

According to the Legislative Budget Board, HB 225 would cost the state approximately \$2.2 million in general revenue starting in fiscal 2010, the first year in which the state would lose money from licenses that would have been renewed under current law.