

- SUBJECT:** Handgun education and proficiency test waiver for long-time licensees
- COMMITTEE:** Law Enforcement — favorable, without amendment
- VOTE:** 7 ayes — Driver, Latham, Allen, Frost, Ortiz, Vo, West
0 nays
- WITNESSES:** For — Tara Mica, National Rifle Association
Against — None
On — (*Registered, but did not testify*: Jan Coffee, Texas Department of Public Safety)
- BACKGROUND:** Under Government Code, sec. 411.183(a), concealed handgun licenses expire on the license holder's first birthday after the fourth anniversary of the date the license was issued. Upon renewal, a license is good for five years and expires on the license holder's birthday

Sec. 411.188(c) sets requirements for license renewals, including that license holders complete a continuing education course and obtain a handgun proficiency certificate. The course must be completed and the proficiency certificate obtained not more than six months before the date of the application renewal.
- DIGEST:** HB 1839 would require concealed handgun licensees who had renewed their license at least twice to take the required continuing education course and obtain a handgun proficiency certificate every 10 years instead of every five.

On a third or subsequent renewal, the proficiency course could have been completed in either the six months preceding the current renewal application date or the six months preceding the previous renewal application date.

The bill would take effect September 1, 2007, and would apply only to licenses renewed on or after that date.

SUPPORTERS
SAY:

HB 1839 would be a reasonable accommodation to reduce a burden on long-time concealed handgun licensees. Currently, all concealed handgun license holders must complete a continuing education course and obtain a proficiency certificate every five years, regardless of how long they have held a license. It is unnecessary and burdensome to hold licensees who have kept their licenses for 10 years and demonstrated their responsibility and proficiency with their firearms to the same standards as newer licensees. HB 1839 would address this issue by allowing long-term licensees to have a longer period between taking the education course and obtaining a proficiency certificate.

The continuing education course is repetitive and covers much of the same information each time. After taking the initial class and two renewal classes, licensees are aware of the class content and do not need to hear it repeated. In addition, it can be a burden for a licensee to find and attend a course, especially in rural areas. The cost of the course also can be an issue for some licensees. The price of the course can vary greatly, and renewing a license costs \$70.

Licensees know they are responsible for keeping up with current law concerning handguns, whether or not they are required to take a class. The current requirement to take a class every five years spans two legislative sessions and means that licensees must educate themselves about changes that occur during that time. They would have no problem continuing to do that for a longer time frame. Many resources are available, such as the Internet and firearm associations, that do a better job educating licensees on current law than a course attended every five years.

Licensees also know that they must maintain proficiency with their weapons and do not depend on the required proficiency demonstration every five years to do so. Licensees work all year to stay proficient with their weapons and know that it is in their interest to do so.

The bill would not change the time period for which licenses were valid or anything else about the renewal process. Every five years licensees still would have to submit photographs, fingerprints, and renewal fees. While the original law was crafted with the five-year requirement for all licensees, experience has shown that a longer time between courses and certificates is warranted for long-time license holders.

OPPONENTS
SAY:

HB 1839 would chip away at requirements that help ensure all concealed handgun licensees keep a minimum level of proficiency and knowledge. Carrying a concealed handgun is an important responsibility that should include a duty to stay educated and updated and to demonstrate proficiency at least every five years.

The current requirement that licensees take a class and demonstrate proficiency every five years is not burdensome. The class takes only four hours, and while prices vary, they can cost as little as \$50. This is a small price for five years of license eligibility. Concealed handgun instructors throughout the state compete for students, so they respond to demand for classes. In urban areas, classes are offered frequently, and in rural areas, instructors often work with licensees and offer a class upon demand.

Topics in the class are worthy of updating and repeating at least every five years. One of the important topics covered is changes to gun laws. There are enough legal changes and court rulings to warrant requiring licensees getting updated information at least every five years. While this time frame could encompass more than one legislative session and be less than ideal, it would be better than the once per decade under HB 1869. In addition, continuing education classes address topics such as non-violent conflict resolution that are worthy of review more often than every 10 years.

Another critical component to current law is the requirement that licensees demonstrate proficiency with a handgun every five years, and HB 1839 would allow that to occur only once per decade for some licensees. While some licensees may handle their weapons often between renewal classes, others may not. Requiring a proficiency demonstration by civilians every five years is not excessive, especially given that peace officers are required by law to demonstrate proficiency with firearms annually.

NOTES:

The fiscal note estimates that the state would lose \$231,480 in fiscal 2008-09, due to a loss in the \$5 fee charged for the proficiency certificates.