

SUBJECT: Eliminating the proficiency test to renew a concealed handgun license

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 7 ayes — Pickett, Fletcher, Dale, Flynn, Lavender, Sheets, Simmons
0 nays
2 absent — Cortez, Kleinschmidt

WITNESSES: For — Michael Cargill; Rachel Malone; (*Registered, but did not testify:* Dennis Allen; Brett Connett, Texas Conservative Coalition; Angel Gonzalez; Amy Hedtke; Joe Palmer; Alice Tripp, Texas State Rifle Association)

Against — (*Registered, but did not testify:* David Albert; Grace Chimene; Tanya Lavelle; Susan Morrison; Joanne Richards; Heather Ross, Gun and Mental Health Action Group; Bridget Wiedenmeyer, Moms Demand Action - Texas Chapter; John Woods, Texas Gun Sense)

On — Merily Keller, Texas Suicide Prevention Council; (*Registered, but did not testify:* Steven Moninger and Sherrie Zgabay, Texas Department of Public Safety)

BACKGROUND: Government Code, sec. 411.188 lists the requirements for demonstrating handgun proficiency in order to attain a concealed handgun license (CHL). Subsection (b) requires the course to cover the following topics:

- laws on weapons and use of deadly force;
- handgun use, proficiency, and safety;
- nonviolent dispute resolution; and
- proper storage practices for handguns.

Subsection (c) directs the Department of Public Safety to develop a continuing education course for a CHL holder who wishes to renew the license, administered by a qualified handgun instructor.

Subsection (j) enables DPS or a qualified instructor to offer an online

version of the continuing education course and a written section of the proficiency exam for CHL holders wishing to renew their license.

Government Code, sec. 411.199 allows honorably retired peace officers to obtain a CHL. Subsection (e) requires these retired peace officers to demonstrate annually their maintenance of the handgun proficiency standards required for a peace officer for the category of weapon licensed.

Government Code, sec. 411.172 lists the eligibility requirements which must be met to qualify for a CHL. Applicants must not have a class A or B misdemeanor conviction in the past five years, a felony conviction, or certain psychiatric disorders or a history of commitment in a mental hospital in addition to meeting other criteria in order to obtain a CHL.

DIGEST:

CSHB 48 would eliminate the requirement for a CHL holder to demonstrate handgun proficiency by taking a continuing education course to renew the license. The bill would repeal Government Code sections 411.188 (c) and 411.188 (j), which require a continuing education course for CHL renewal and would specify how DPS should adopt rules for this course.

DPS would mail a notice of license expiration, a renewal application form, and an informational form to a CHL holder at least 60 days before the person's license expired. To renew the license, a CHL holder would have to submit electronically or via an application for renewal, payment of the nonrefundable fee and the signed informational form describing pertinent state laws such as those related to deadly force. DPS would issue the renewed license not later than 45 days after receiving these materials. The director of DPS could adopt rules enabling CHL renewal after the license holder submitted these materials by mail or online.

Active and retired peace officers carrying a handgun under an extension of the CHL license would not need to take continuing education courses or examinations. The bill would repeal Government Code, sec. 411.199 (e).

The director of DPS would adopt rules as soon as practicable after the effective date of this bill. The bill would apply only to applications submitted on or after the effective date.

The bill would take effect September 1, 2013.

SUPPORTERS
SAY:

This bill would streamline the CHL renewal process for existing license holders without requiring those renewing to complete onerous and redundant courses. The bill would make renewing a license easier and more convenient for both the license holders and DPS alike.

Discontinuing the renewal examination for CHL holders should not be compared to the process for renewing a driver's license because bearing arms is a constitutional right, whereas driving a car is a privilege.

Requiring those who want to renew their licenses to sign an informational form detailing changes in the concealed-carry law is both useful and sufficient to take the place of a renewal examination. Changes to the law are not extensive enough to merit a four-hour continuing education course.

CSHB 48 would not jeopardize reciprocity agreements with other states, as it only makes a minor change to CHL laws.

OPPONENTS
SAY:

The state should continue its CHL continuing education mainly for two reasons: a license holder's proficiency to shoot a gun could deteriorate, and the laws regularly change regarding carrying a handgun.

Having a CHL is akin to having a driver's license. Both entail the operation of dangerous machinery, and in both cases the state has an interest in ensuring that the holders of these licenses maintain an adequate level of proficiency. Possessing a gun may be a constitutional right, but having a CHL is not. DPS does not grant concealed carry licenses automatically, and Government Code, sec. 411.172 lists several criteria that must be met before the issuance of a CHL. These eligibility requirements for a license exist as a public safety measure and reasonably should include demonstrating handgun proficiency over time.

The Texas Legislature frequently changes the laws regarding these types of licenses, including adding new specifications for the locations where a license holder may carry a concealed weapon. Signing an informational form listing changes in law would not be sufficient. License holders who wish to renew should take a continuing education course and exam to ensure they fully understand the law.

Additionally, this law may jeopardize reciprocity agreements with other states. The lack of a handgun proficiency test for renewal could fall short of other state CHL standards.