CHAPTER 1302

H.B. No. 3142

AN ACT
relating to handguns used to demonstrate proficiency in handgun use for purposes of obtaining a concealed handgun license.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 11.041(a), Alcoholic Beverage Code, is amended to read as follows:

(a) Each holder of a permit who is not otherwise required to display a sign under Section 411.204, Government Code, shall display in a prominent place on the permit holder's premises a sign giving notice that it is unlawful for a person to carry a weapon on the premises unless the weapon is a concealed handgun (of the same category) the person is licensed to carry under Subchapter H, Chapter 411, Government Code.

SECTION 2. Section 11.61(e), Alcoholic Beverage Code, is amended to read as follows:

(e) Except as provided by Subsection (f) or (i), the commission or administrator shall cancel an original or renewal permit if it is found, after notice and hearing, that the permittee knowingly allowed a person to possess a firearm in a building on the licensed premises. This subsection does not apply to a person:

(1) who holds a security officer commission issued under Chapter 1702, Occupations Code, if:

(A) the person is engaged in the performance of the person's duties as a security officer;

(B) the person is wearing a distinctive uniform; and

(C) the weapon is in plain view;

(2) who is a peace officer;

(3) who is a permittee or an employee of a permittee if the person is supervising the operation of the premises; or

(4) who possesses a concealed handgun (of the same category) the person is licensed to carry under Subchapter H, Chapter 411, Government Code, unless the person is on the premises of a business described by Section 46.035(b)(1), Penal Code.

SECTION 3. Section 61.11(a), Alcoholic Beverage Code, is amended to read as follows:

(a) Each holder of a license who is not otherwise required to display a sign under Section 411.204, Government Code, shall display in a prominent place on the license holder's premises a sign giving notice that it is unlawful for a person to carry a weapon on the premises unless the weapon is a concealed handgun (of the same category) the person is licensed to carry under Subchapter H, Chapter 411, Government Code.

SECTION 4. Section 61.71(f), Alcoholic Beverage Code, is amended to read as follows:

(f) Except as provided by Subsection (g) or (j), the commission or administrator shall cancel an original or renewal dealer's on-premises or off-premises license if it is found, after notice and hearing, that the licensee knowingly allowed a person to possess a firearm in a building on the licensed premises. This subsection does not apply to a person:

(1) who holds a security officer commission issued under Chapter 1702, Occupations Code, if:

(A) the person is engaged in the performance of the person's duties as a security officer;

(B) the person is wearing a distinctive uniform; and

(C) the weapon is in plain view;

(2) who is a peace officer;

(3) who is a licensee or an employee of a licensee if the person is supervising the operation of the premises; or
(4) who possesses a concealed handgun [of the same category] the person is licensed to carry under Subchapter H, Chapter 411, Government Code, unless the person is on the premises of a business described by Section 46.035(b)(1), Penal Code.

SECTION 5. Section 411.177(a), Government Code, is amended to read as follows:

(a) The department shall issue a license to carry a concealed handgun to an applicant if the applicant meets all the eligibility requirements and submits all the application materials. [The department may issue a license to carry handguns only of the categories for which the applicant has demonstrated proficiency in the form and manner required by the department.] The department shall administer the licensing procedures in good faith so that any applicant who meets all the eligibility requirements and submits all the application materials shall receive a license. The department may not deny an application on the basis of a capricious or arbitrary decision by the department.

SECTION 6. Section 411.179(a), Government Code, is amended to read as follows:

(a) The department by rule shall adopt the form of the license. A license must include:

1. a number assigned to the license holder by the department;
2. a statement of the period for which the license is effective;
3. a statement of the category or categories of handguns the license holder may carry as provided by Subsection (b);
4. a color photograph of the license holder;
5. the license holder's full name, date of birth, hair and eye color, height, weight, and signature;
6. the license holder’s residence address or, as provided by Subsection (d), the street address of the courthouse in which the license holder or license holder’s spouse serves as a federal judge or the license holder serves as a state judge; and
7. the number of a driver's license or an identification certificate issued to the license holder by the department.

SECTION 7. Section 411.187(a), Government Code, is amended to read as follows:

(a) The department shall suspend a license under this section if the license holder:

1. is charged with the commission of a Class A or Class B misdemeanor or equivalent offense, or of an offense under Section 42.01, Penal Code, or equivalent offense, or of a felony under an information or indictment;
2. fails to notify the department of a change of address, name, or status as required by Section 411.181;
3. carries a concealed handgun under the authority of this subchapter of a different category than the license holder is licensed to carry;
4. fails to return a previously issued license after a license is modified as required by Section 411.184(d);
5. commits an act of family violence and is the subject of an active protective order rendered under Title 4, Family Code; or
6. is arrested for an offense involving family violence or an offense under Section 42.072, Penal Code, and is the subject of an order for emergency protection issued under Article 17.292, Code of Criminal Procedure.

SECTION 8. Sections 411.188(a) and (d), Government Code, are amended to read as follows:

(a) The director by rule shall establish minimum standards for handgun proficiency and shall develop a course to teach handgun proficiency and examinations to measure handgun proficiency. The course to teach handgun proficiency must contain training sessions divided into two parts. One part of the course must be classroom instruction and the other part must be range instruction and an actual demonstration by the applicant of the applicant's ability to safely and proficiently use a handgun of the applicable category. An applicant must be able to demonstrate, at a minimum, the degree of proficiency that is required to effectively operate a handgun of .32 caliber or above. The department shall distribute the standards, course requirements, and examinations on request to any qualified handgun instructor.
(d) Only a qualified handgun instructor may administer the proficiency examination to obtain or to renew a license. The proficiency examination must include:

1. A written section on the subjects listed in Subsection (b); and

2. A physical demonstration of proficiency in the use of one or more handguns of specific categories and in handgun safety procedures.

SECTION 9. Section 411.1882(a), Government Code, is amended to read as follows:

(a) A person who is serving in this state as a judge or justice of a federal court, as an active judicial officer, as defined by Section 411.201, or as a district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney may establish handgun proficiency for the purposes of this subchapter by obtaining from a handgun proficiency instructor approved by the Commission on Law Enforcement Officer Standards and Education for purposes of Section 1702.1675, Occupations Code, a sworn statement that:

(1) indicates that the person, during the 12-month period preceding the date of the person's application to the department, demonstrated to the instructor proficiency in the use of handguns; and

(2) designates the categories of handguns with respect to which the person demonstrated proficiency.

SECTION 10. Section 411.199(e), Government Code, is amended to read as follows:

(e) A retired peace officer who obtains a license under this subchapter must maintain the category of weapon licensed, the proficiency required for a peace officer under Section 1701.355, Occupations Code. The department or a local law enforcement agency shall allow a retired peace officer of the department or agency an opportunity to annually demonstrate the required proficiency. The proficiency shall be reported to the department on application and renewal.

SECTION 11. Sections 62.082(d) and (e), Parks and Wildlife Code, are amended to read as follows:

(d) Section 62.081 does not apply to:

1. An employee of the Lower Colorado River Authority;

2. A person authorized to hunt under Subsection (c);

3. A peace officer as defined by Article 2.12, Code of Criminal Procedure; or

4. A person who:

(A) possesses a concealed handgun and a license issued under Subchapter H, Chapter 411, Government Code, to carry a concealed handgun of the same category as a handgun the person is carrying;

or

(B) under circumstances in which the person would be justified in the use of deadly force under Chapter 9, Penal Code, shoots a handgun of the same category as a handgun the person is licensed to carry under Subchapter H, Chapter 411, Government Code.

(e) A state agency, including the department, the Department of Public Safety, and the Lower Colorado River Authority, may not adopt a rule that prohibits a person who possesses a license issued under Subchapter H, Chapter 411, Government Code, from entering or crossing the land of the Lower Colorado River Authority while:

1. Possessing a concealed handgun of the same category as a handgun the person is licensed to carry; or

2. Under circumstances in which the person would be justified in the use of deadly force under Chapter 9, Penal Code, shooting a handgun of the same category as a handgun the person is licensed to carry.

SECTION 12. Section 30.05(f), Penal Code, is amended to read as follows:

(f) It is a defense to prosecution under this section that:

1. The basis on which entry on the property or land or in the building was forbidden is that entry with a handgun was forbidden; and
(2) the person was carrying a concealed handgun and a license issued under Subchapter H, Chapter 411, Government Code, to carry a concealed handgun [of the same category as the handgun the person was carrying].

SECTION 13. Section 46.15(b), Penal Code, is amended to read as follows:

(b) Section 46.02 does not apply to a person who:

(1) is in the actual discharge of official duties as a member of the armed forces or state military forces as defined by Section 431.001, Government Code, or as a guard employed by a penal institution;

(2) is traveling;

(3) is engaging in lawful hunting, fishing, or other sporting activity on the immediate premises where the activity is conducted, or is en route between the premises and the actor’s residence, motor vehicle, or watercraft, if the weapon is a type commonly used in the activity;

(4) holds a security officer commission issued by the Texas Private Security Board, if the person is engaged in the performance of the person’s duties as an officer commissioned under Chapter 1702, Occupations Code, or is traveling to or from the person’s place of assignment and is wearing the officer’s uniform and carrying the officer’s weapon in plain view;

(5) acts as a personal protection officer and carries the person’s security officer commission and personal protection officer authorization, if the person:

(A) is engaged in the performance of the person’s duties as a personal protection officer under Chapter 1702, Occupations Code, or is traveling to or from the person’s place of assignment; and

(B) is either:

(i) wearing the uniform of a security officer, including any uniform or apparel described by Section 1702.323(d), Occupations Code, and carrying the officer’s weapon in plain view; or

(ii) not wearing the uniform of a security officer and carrying the officer’s weapon in a concealed manner;

(6) is carrying a concealed handgun and a valid license issued under Subchapter H, Chapter 411, Government Code, to carry a concealed handgun [of the same category as the handgun the person is carrying];

(7) holds an alcoholic beverage permit or license or is an employee of a holder of an alcoholic beverage permit or license if the person is supervising the operation of the permitted or licensed premises; or

(8) is a student in a law enforcement class engaging in an activity required as part of the class, if the weapon is a type commonly used in the activity and the person is:

(A) on the immediate premises where the activity is conducted; or

(B) en route between those premises and the person’s residence and is carrying the weapon unloaded.

SECTION 14. The following provisions of the Government Code are repealed:

(1) Section 411.171(1);

(2) Section 411.179(b);

(3) Section 411.184; and

(4) Sections 411.188(e) and (h).

SECTION 15. (a) The change in law made by this Act to Subchapter H, Chapter 411, Government Code, applies only to a license issued or renewed under that subchapter on or after the effective date of this Act.

(b) The changes in law made by this Act to the Alcoholic Beverage Code, Parks and Wildlife Code, and Penal Code, apply only to civil or criminal proceedings involving the carrying of a handgun on or after the effective date of this Act by a person licensed to carry a
concealed handgun under Subchapter H, Chapter 411, Government Code, as amended by this Act.

SECTION 16. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on May 8, 2013: Yeas 147, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3142 on May 23, 2013, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 3142 on May 28, 2013: Yeas 143, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 21, 2013: Yeas 28, Nays 3; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 3142 on May 26, 2013: Yeas 28, Nays 2.

Approved June 14, 2013.
Effective June 14, 2013.

CHAPTER 1303

H.B. No. 3209

AN ACT
relating to creating a recognition day in honor of Willie Velasquez.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter C, Chapter 662, Government Code, is amended by adding Section 662.060 to read as follows:

Sec. 662.060. WILLIE VELASQUEZ DAY. (a) May 9 is Willie Velasquez Day in observance of the birthday of William “Willie” Cardenas Velasquez.

(b) Willie Velasquez Day shall be regularly observed by appropriate ceremonies and activities.

SECTION 2. This Act takes effect September 1, 2013.

Passed by the House on May 2, 2013: Yeas 143, Nays 4, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 3209 on May 24, 2013: Yeas 143, Nays 2, 2 present, not voting; passed by the Senate, with amendments, on May 22, 2013: Yeas 27, Nays 4.

Approved June 14, 2013.
Effective September 1, 2013.

CHAPTER 1304

H.B. No. 3390

AN ACT
relating to the Texas Economic Development Act; imposing a penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 313.002, 313.003, 313.004, and 313.007, Tax Code, are amended to read as follows:

Sec. 313.002. FINDINGS. The legislature finds that: