

BILL ANALYSIS

Senate Research Center

S.B. 1406
By: Estes
Criminal Justice
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DIGEST AND PURPOSE

In 1997, Section 411.173 was added to the Government Code and provides the means for a resident of another state that does not have a concealed handgun program to obtain a Texas concealed carry license. This section also requires the Department of Public Safety to negotiate reciprocity agreements with other states to allow Texas residents to legally carry a concealed handgun in another state and vice versa. Since 1997, the Department has only negotiated 8 agreements.

As proposed, SB 1406 allows out of state licensees to retain their Texas licenses issued under Section 411.173(a), Government Code, until Texas recognizes the licenses issued by their home state. This bill also revises Section 411.173(b) to allow Texas to obtain more reciprocity agreements.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.173, Government Code, as follows:

Sec. 411.173. NONRESIDENT LICENSE. (a) Provides that if a state whose residents previously qualified under this subsection for a nonresident license subsequently enacts a law providing for the issuance of a license to carry a concealed handgun, a nonresident license issued to a resident of that state remains in effect until the license expires under Section 411.183 and may be renewed under Section 411.185 until the time a license issued by the other state is recognized by this state under Subsection (b).

(b) Requires the governor, rather than the Texas Department of Public Safety (DPS), to issue a proclamation or sign an agreement recognizing a license to carry a concealed handgun issued by another state if DPS determines that a background check of permit applicants is conducted by state or local authorities or an agent of the state or local authorities prior to the issuance of a permit to determine the applicants' eligibility to possess a firearm under federal law.

(c) Requires DPS to:

- (1) issue a report annually to the governor, lieutenant governor and the speaker of the house listing the states DPS has determined qualify for recognition under this section within the previous calendar year; and
- (2) annually review the statutes of states that have not qualified for recognition to determine if any subsequent changes to their law would result in qualification for recognition under this section.

SECTION 2. (a) Effective date: September 1, 2003.

(b) Requires DPS to submit the report required under Section 411.173(d), Government Code, as added by this Act, for the preceding calendar year, not later than January 1 of each year. Provides that the first report is due on January 1, 2005.