

BILL ANALYSIS

Senate Research Center
79R5229 RMB-D

H.B. 1066
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Criminal Justice
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

H.B. 1066 provides technical clarification to the process of establishing reciprocity with other states, whereby their licensed residents may carry a concealed handgun in Texas, and Texas licensees may carry in those states. The attorney general's interpretation of Texas' reciprocity statute is that other states' handgun carrying laws must list every disqualifier for possessing a handgun under federal law as a disqualifier for obtaining a permit under the state's law. However, Texas law does not even list out all federal disqualifications; Texas' law states: "A person is eligible for a license to carry a concealed handgun if the person is fully qualified under applicable federal and state law to purchase a handgun."

H.B. 1066 amends the language in Section 411.173, Government Code, to allow the Texas attorney general the flexibility to honor licenses from states that conduct federal background checks (which screen for federal disqualifiers on handgun possession), but whose laws relating to carrying a handgun may not explicitly list all of the federal disqualifiers in their eligibility standards that must be met for the issuance of a license to carry a handgun.

H.B. 1066 also allows residents of other states to apply for a nonresident Texas concealed handgun license, provided they meet all criteria and qualifications Texas residents must meet. The Department of Public Safety may collect any fee necessary to cover the cost of processing out-of-state applications.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Department of Public Safety is modified in SECTION 1 (Section 411.173, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.173(a), Government Code, as amended by Chapters 255 and 752, Acts of the 78th Legislature, Regular Session, 2003, to require the Department of Public Safety to establish a procedure for a person to obtain a license to carry a concealed handgun if the person is a legal resident of another state, rather than if that person is a resident of a state that does not provide for the issuance of a license to carry a concealed handgun. Provides that a license issued in accordance with the procedure established under this subsection remains in effect until it expires, and may be renewed. Deletes existing text outlining the provisions of a license issued to a resident of another state whose residents may obtain a license under this subsection. Deletes existing text relating to this state's recognition of a license issued by another state.

SECTION 2. Amends Section 411.173(b), Government Code, to require the governor to negotiate an agreement with another state under which either this state recognizes a license issued by another state or to issue a proclamation that a license issued by the other state is recognized in this state if the attorney general of the State of Texas determines that a background check of each applicant for a license issued by that state is initiated, rather than conducted, by state or local authorities or an agent of the state or local authorities before the license is issued. Deletes existing text relating to a background check determining the applicants' eligibility to possess a firearm under federal law. Defines "background check."

SECTION 3. Repealer: Section 411.173(a-1) (Nonresident License), Government Code.

SECTION 4. Effective date: upon passage or September 1, 2005.