

BILL ANALYSIS

Senate Research Center
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S.B. 1424
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Criminal Justice
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1704, 78th Legislature, Regular Session, 2003, added a provision to the Government Code that required the Department of Public Safety (DPS) to consider a concealed handgun license (license) applicant's offenses as they were classified in Texas law at the time of conviction. The bill's intent was to allow persons convicted of non-violent crimes once classified as felonies but classified by current law as misdemeanors to qualify for a license. However, a person who qualified and obtained a license prior to the bill's enactment and who is not a convicted felon but was convicted of an offense that has been reclassified as a felony cannot renew the person's license.

As proposed, S.B. 1424 provides that an offense is not considered a felony if, at the time of a person's application for a license to carry a handgun, the offense is a misdemeanor or does not contain all the elements of any offense of a felony in this state; and if a person was issued a concealed handgun license, the person can qualify for renewal unless the person is convicted of a felony offense after the time of issuance.

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 411.171(4), Government Code, to redefine "convicted" and make a nonsubstantive change.

SECTION 2. Amends Section 411.172, Government Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Provides that for the purposes of this section, an offense under the laws of this state, another state, or the United States, is, except as provided by Subsection (b-1), a felony if, at the time it is committed, the offense meets certain requirements. Deletes existing text providing that, for purposes of this section, an offense under the laws of this state, another state, or the United States is a felony if the offense, at the time of a person's application for a license to carry a concealed handgun meets certain requirements. Makes a nonsubstantive change.

(b-1) Provides that an offense is not considered a felony for the purposes of Subsection (b)(1) (relating to certain offenses considered as felonies) if, at the time of a person's application for a license to carry a concealed handgun, the offense is designated by a law of this state as a misdemeanor, or does not contain all the elements of any offense designated by a law of this state as a felony.

SECTION 3. Amends Section 46.04, Penal Code, by amending Subsection (d) and adding Subsections (f) and (g), as follows:

(d) Defines "convicted." Makes a nonsubstantive change.

(f) Provides that for the purposes of this section, an offense under the laws of this state, another state, or the United States is, except as provided by Subsection (g), a felony if, at

the time it is committed, the offense is designated by a law of this state as a felony, contains all the elements of an offense designated by a law of this state as a felony, or is punishable by confinement for one year or more in a penitentiary.

(g) Provides that an offense is not considered a felony for purposes of Subsection (f), if at the time the person possesses a firearm, the offense is designated by a law of this state as a misdemeanor or does not contain all the elements of any offense designated by a law of this state as a felony.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2009.