

BILL ANALYSIS

Senate Research Center

S.B. 16
By: Nichols; Huffman
State Affairs
5/29/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently the fee schedule for a License to Carry (LTC) a Handgun is:

Group	Original	Renewal
General Public	\$140	\$70
Active Judicial Officer	\$25	\$25
Retired Judicial Officer	\$25	\$25
Felony Prosecuting Attorney	\$0	\$0
Other/Assistant Prosecutor	\$140	\$70
Active Military	\$0	\$0
Active Peace, Correctional, or Probation Officer / Active Texas Military	\$25	\$25
Retired Texas Peace Officer	\$25	\$25
Retired Federal Officer	\$25	\$25
Veteran	\$25	\$25
Senior Citizen	\$70	\$35
Indigent	\$70	\$35
Instructor Certification	\$100	\$100

One hundred forty dollars is one of the highest application fees for a handgun license in the country. Only Illinois and Arkansas have higher application fees. The renewal fee for a license of \$70 is also one of the highest in the country. Currently, there are fee reliefs available to certain members of the general public to ease the financial burden of becoming licensed to carry a handgun. The 84th Legislature revised Section 411.174, Government Code, to include open carry within the LTC. But no change was made to the fee structure. The Government Code explicitly states that the fee shall be \$140.

S.B. 16 provides relief to all applicants seeking a license to carry a handgun. This legislation eliminates all application fees for either first-time permits or permit renewals. The changes will occur on September 1 and will only apply to applications after that date. S.B. 16 as filed would reduce the LTC fees to \$0 for all applicants, including renewals. (Original Author's / Sponsor's Statement of Intent)

S.B. 16 amends current law relating to decreasing the fee for the issuance of an original or renewed license to carry a handgun.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the public safety director is rescinded in SECTION 2 (Section 411.185, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.174(a), Government Code, as follows:

- (a) Decreases from \$140 to \$40 the amount of a nonrefundable application and license fee to be submitted by an applicant for a license to carry a handgun (license) to the

public safety director's designee described by Section 411.176 (Review of Application Materials).

SECTION 2. Amends Sections 411.185(a) and (b), Government Code, as follows:

(a) Requires a license holder to submit a nonrefundable renewal fee of \$40, rather than a nonrefundable renewal fee as set by the Texas Department of Public Safety (DPS), to renew a license.

(b) Deletes existing text requiring the public safety director, by rule, to set the renewal fee in an amount that is sufficient to cover the actual cost to DPS to verify information in the renewal application form, conduct any necessary investigation, and issue the renewed license.

SECTION 3. Amends Section 411.190(c), Government Code, to require DPS to issue a license to carry a handgun under the authority of this subchapter (License to Carry a Handgun) to any person who is certified as a qualified handgun instructor and who pays to DPS a fee of \$40, rather than \$100, in addition to the training fee.

SECTION 4. Amends the heading to Section 411.194, Government Code, to read as follows:

Sec. 411.194. REDUCTION OF CERTAIN FEES DUE TO INDIGENCY.

SECTION 5. Amends Section 411.194(a), Government Code, as follows:

(a) Requires DPS, notwithstanding any other provision of this subchapter, if DPS determines that an applicant is indigent, to reduce by 50 percent any fee required for the issuance of a duplicate or modified license and by \$5 any fee required for the issuance of a renewed license under this subchapter. Makes nonsubstantive changes.

SECTION 6. Amends Section 411.195, Government Code, as follows:

Sec. 411.195. New heading: REDUCTION OF CERTAIN FEES FOR SENIOR CITIZENS. Requires DPS, notwithstanding any other provision of this subchapter, if an applicant for the license is 60 years of age or older, to reduce by 50 percent any fee required for the issuance of a duplicate or modified license under this subchapter and by \$5 any fee required for the issuance of a renewed license under this subchapter, rather than reduce by 50 percent any fee required for the issuance of an original, duplicate, modified, or renewed license under this subchapter if the applicant for the license is 60 years of age or older. Makes nonsubstantive changes.

SECTION 7. Amends Section 411.1991(c), Government Code, to require DPS to waive any fee required, rather than requiring an applicant under this section to pay a fee of \$25, for a license issued under this subchapter to an applicant under this section.

SECTION 8. Amends Section 411.201(d), Government Code, to require an applicant for a license who is an active or retired judicial officer to submit to DPS a nonrefundable application and license fee of \$25, rather than a nonrefundable application and license fee set by DPS in an amount reasonably designed to cover administrative costs associated with issuance of a license under this subchapter.

SECTION 9. Makes application of this Act prospective.

SECTION 10. Effective date: September 1, 2017.