

**SUBJECT:** License to carry a concealed handgun

**COMMITTEE:** Public Safety — committee substitute recommended

**VOTE:** 7 ayes — Oakley, Bailey, Allen, Carter, Driver, Madden, McCoulskey  
1 nay — Luna  
1 absent — Edwards

**SENATE VOTE:** On final passage, March 16 — 23-7 (Barrientos, Ellis, Gallegos, Leedom, Luna, Truan, West)

**WITNESSES:** *On original version of House companion, HB 72:*  
  
For — Don Loucks, Peaceable Texans for Firearm Rights; Jim Lyde, Texas Municipal Police Association; and 14 others representing themselves  
  
Against — Julia Cooper, Texans Against Violence; Thomas A. Martin, Texas Police Chiefs Association; Rita Stuart Calvert, Greater Dallas Reduction of Violence Network; Leslie A. Barnard, Nina Butts, Texans Against Gun Violence; Cindy S. Stone, Jordan W. Stone, Mothers Against Concealed Weapons; David M. Smith, Houston Chapter of Texans Against Gun Violence; 11 others representing themselves  
  
On — Carole Kneeland, Texas Media

**BACKGROUND:** Penal Code sec. 46.02 prohibits carrying a handgun, illegal knife or club on or about one's person. The law creates exceptions (defenses to prosecution) for persons while at home or on other premises under their control, while hunting, fishing, engaged in a sporting activity or traveling and for peace officers, prison guards, armed forces and state military personnel and security officers who meet specified qualifications. Violations are Class A misdemeanors (maximum punishment of one year in jail and a \$4,000 fine), and become third-degree felonies (maximum penalty of 10 years in prison and a fine of up to \$10,000) if the handgun is carried on the premises of a state-licensed seller of alcohol.

All firearms, including handguns, are prohibited in certain *places*, including schools, polling places during elections, courts, racetracks and secured areas of airports in Penal Code sec. 46.03. The possession, manufacturing and selling of certain *types of weapons* including machine guns, short-barrel firearms and firearm silencers are prohibited in sec. 46.05.

For more information, see *License to Carry a Handgun Debated*, House Research Organization Session Focus Number 74-4, February 8, 1995.

**DIGEST:**

CSSB 60 would allow persons who receive a license from the Department of Public Safety (DPS) to carry concealed handguns in certain public places, set eligibility requirements for licensees and establish application procedures. DPS would be required to adopt rules to administer the bill.

It would be a Class A misdemeanor for a license holder to carry a handgun and intentionally fail to conceal it. It would be a defense to prosecution that the handgun was displayed when the use of deadly force would have been legally justified.

CSSB 60 would take effect September 1, 1995. Licenses could become effective no earlier than January 1, 1996.

**Eligibility**

CSSB 60 would set eligibility requirements to carry a concealed handgun, including:

- minimum age of 21
- Texas resident for at least six-months
- clean criminal record:
  - ▶ not been convicted of a felony;
  - ▶ not been convicted of a Class A or Class B misdemeanor or disorderly conduct in the five years before applying for a license;
  - ▶ not be charged with a Class A or Class B misdemeanor, disorderly conduct, or a felony under an indictment or information;

- ▶ not be a fugitive from justice for a felony or Class A or Class B misdemeanor;
- ▶ not been convicted of a felony as a juvenile in the 10 years before applying for a license;
- not be chemically dependent;
- not be of unsound mind;
- not be delinquent on child support payments administered or collected by the attorney general or taxes or money collected by the comptroller, state treasurer or Alcoholic Beverage Commission;
- not be in default on a student loan; and
- not be restricted under a court protective order.

### **Application**

An application for a handgun license would have to include:

- a completed DPS application form that includes a description of the applicant;
- criminal history information including arrests, charges, indictments, informations and dispositions
- history during the preceding five years of treatment, commitment or residence in a licensed drug or alcohol center or a psychiatric hospital;
- authority for DPS to inquire into non-criminal records to determine compliance with the eligibility requirements;
- two color passport photographs;
- birth certificate or other proof of age;
- proof of residency;
- two sets of fingerprints;
- a handgun proficiency certificate;
- a nonrefundable fee of \$140;

Applicants would also have to submit an affidavit stating they understood state deadly force laws and the offenses created by CSSB 60.

To apply for a license, persons would first have to submit to DPS a request for application materials that included their name, description and other identifying information. Within 15 days of receiving a request DPS would have to make a preliminary decision about whether the person would be able to receive a license and would have to forward applications to those

who would not be disqualified and notify those who would not qualify of the reason. A request for application materials could be obtained from DPS, a handgun dealer or other entity approved by DPS.

It would be a Class A misdemeanor to provide false information on an application.

### **Criminal history, background checks**

DPS would be required to conduct a criminal history check of applicants through its computerized criminal history system. Within 30 days of receiving an application, DPS would have to forward the application to a local DPS office in the area where the applicant lives, as needed, for an additional criminal history record check and a check of local records to verify the accuracy of the application. The scope of the check would be at the sole discretion of DPS. DPS would be authorized to send a fingerprint card to the FBI for a national criminal history check.

Juvenile courts would be required to reopen and allow DPS to inspect juvenile records relating to license applicants.

### **Licenses**

DPS would be required to issue a license to applicants who meet the eligibility requirements and submit a completed application and could not arbitrarily or capriciously deny an application. Licenses would be good for four years.

DPS would be required to issue or deny licenses within 90 days of receiving completed applications until January 1, 1997, when the denial or issuance would have to occur within 60 days. DPS would have to notify sheriffs when a license was issued to a resident of the sheriff's county. Upon request, DPS would have to tell local law enforcement agencies of the licenses that have been issued in the county where the agency was located.

A license could be issued only for the categories of guns listed on an applicants' certificate of proficiency. Categories would be SA (any

handgun, whether semi-automatic or not) and NSA (handguns that are not semi-automatic). A license could be modified for a holder to carry a gun of a different category.

License holders would have to display their handgun license and driver's license or DPS identification card if a magistrate or peace officer demanded to see a handgun license. If a license holder was carrying a handgun, both the handgun license and driver's license or identification card would have to be shown when asked by a magistrate or peace officer for identification. It would be a Class C misdemeanor (maximum penalty of a \$500 fine) to fail to display a handgun license or other identification as required.

Persons denied a license or who have had their license revoked or suspended would be able to request a hearing in the justice court where they live. A justice of the peace would act as an administrative hearing officer, and the hearing would not be subject to the Administrative Procedure Act. The court could affirm the denial, revocation or suspension if it were supported by a preponderance of the evidence or if not, order DPS to issue or return a license. CSSB 60 sets up procedures for appealing a hearing through the county court or the county court at law.

To renew a license, persons would have to complete a continuing education course and obtain a handgun proficiency certificate within six months of the renewal date. License renewal fees would be set by DPS to cover the cost of renewing a license. DPS would have to set up a system for renewing a license by mail.

If a license holder carrying a handgun and was arrested and taken into custody, peace officers would be required to seize the handgun and the license.

Law enforcement officers involved in supervised criminal investigations could be issued a license under an alias.

*License for retired peace officers.* DPS would be authorized to issue handgun licenses to retired peace officers who are honorably discharged and physically and emotionally fit. They would have had to have been employed full-time by a law enforcement agency and make the application

with-in 90 days of retirement. Retired peace officers would not have to fill out the standard application or meet the standard requirements but would have to submit fingerprints and a statement from their former employer that includes information about their physical and mental condition, any accusations of misconduct, the type of weapon the applicant had demonstrated proficiency with and a recommendation about issuing the license. Licensees would have to maintain the weapon proficiency required for peace officers. The license fee would be \$25.

*License revocation.* Licenses could be revoked for giving false application information, if a person was not entitled to the license or became ineligible or if a licensee was convicted of the unlawful carrying of a handgun by a license holder. The bill would establish procedures for revoking a license and requesting review of a revocation. Persons whose license had been revoked would be able to reapply for a license when the reason for the revocation had not existed for two years.

*License suspension.* Licenses could be suspended for a minimum of 90 days and a maximum of two years if a licensee was convicted of a Class C misdemeanor for disorderly conduct, failed to display a license when required to do so, carried a handgun in an unauthorized category, had been indicted for an offense that would make the licensee ineligible for a license, did not return to DPS a license that has been modified or failed to notify DPS of an address or name change. The bill would establish procedures for suspending a license and requesting review of a suspension.

### **Handgun proficiency requirement**

Licensees would have to obtain a handgun proficiency certificate by taking a DPS-developed course and exam from a certified handgun instructor. One part of the course would have to be classroom instruction and one part range instruction, including a safety and proficiency demonstration by the applicant. At a minimum, applicants would have to demonstrate proficiency in a 9-millimeter or .38 caliber handgun.

Only qualified handgun instructors could administer a handgun proficiency course. Courses would have to include 10 to 15 hours of instruction on weapons and deadly force, dispute resolution, proper handgun storage with

emphasis on eliminating accidental injury to children and handgun use, proficiency and safety. DPS would have to develop a continuing education course for persons renewing a license that would have to include at least four hours in one or more of the subjects taught in the original class. Applicants would have to pass proficiency exams to obtain or renew a license. The exams would have to include both a written section and a physical demonstration of handgun proficiency and safety. Persons modifying a license would have to obtain a proficiency certificate in the new category. Certificates would have to indicate the category of any handgun for which the applicant has been approved.

DPS would have to report to the Legislature by January 31, 1997, on the effectiveness and feasibility of allowing persons to take a written competency exam in lieu of attending classroom instruction.

### **Certified handgun instructors**

DPS would be required to provide training for persons to become certified handgun instructors and to charge a \$100 training fee. Certification would be good for two years. Renewal of certification would cost \$100 and require the completion of a retraining course.

DPS also would be able to certify as handgun instructors: persons certified as instructors by the Texas Commission on Law Enforcement Officer Standards and Education or the Texas Board of Private Investigators and Private Security Agencies; persons graduated from a handgun instructor school with a nationally-accepted course and who regularly instruct others in handgun use; and persons certified by the National Rifle Association as a handgun instructor.

### **Places where handguns would be prohibited**

It would be a third-degree felony for a license holder to intentionally, knowingly or recklessly carry a handgun, concealed or not, on the premises of a correctional facility or on the premises of a business with a permit or license to sell alcoholic beverages for on-premise consumption and at least 51 percent of the business' income is from the sale of alcohol for on-premise consumption.

It would be a Class A misdemeanor to intentionally, knowingly or recklessly carry a handgun, concealed or not:

- within a portion of the premises of a business with a permit or license to sell alcoholic beverages for on-premise consumption if the portion is used primarily for the sale of alcohol or if sales of food or other services in that portion of the business are incidental to the sale of alcohol.
- on the premises of a high school, collegiate or professional sporting event or an interscholastic event (unless the licensee is a participant in an event that uses the handgun)
- on the premises of a hospital, unless the licensee has written authorization from the hospital administration; and
- to a government meeting.

It would be a Class A misdemeanor for a license holder to carry a handgun, concealed or not, while intoxicated. If a license holder is arrested for an offense that contains intoxication as an element, the peace officer would be authorized to ask the licensee for a breath test.

Businesses licensed or permitted to serve on-premise alcoholic beverages would be required to prominently display a sign that it is unlawful to carry a concealed weapon on their premises.

Public or private employers would not be prevented from prohibiting licensees from carrying a concealed handgun on their premises.

Having a license to carry a concealed handgun would not be a defense to prosecution for the offense (Penal Code 46.03) of intentionally, knowingly or recklessly carrying a firearm in the places where they are currently prohibited including schools, school buses, polling places while voting is taking place, courts, racetracks and secured areas of airport.



### **Confidentially of records**

DPS would be required to inform criminal justice agencies whether or not a person had a license and would be required to disclose to any other person, upon written request and payment of a reasonable fee, whether or not a person has a license. The information could include name, age, gender, race and zip code. All other records would be confidential and not subject to the open records law.

DPS would be required to make available upon request and payment of a reasonable fee a statistical report concerning licenses issued, denied, revoked or suspended during the preceding month.

### **Liability**

The state, an agency or subdivision of the state, state employees, peace officers or qualified handgun instructors could not be held liable for actions authorized by the bill or actions of or damages by applicants or licensees, unless acts by the state, agencies or subdivisions of the state, state officers or peace officers were capricious or arbitrary. DPS would not be responsible for injuries or damages inflicted by applicants or licensees from an action taken by DPS under this bill.

### **Fees**

Fees would be deposited in an account in the general revenue fund and could be appropriated only to pay DPS costs of implementing the bill.

SUPPORTERS  
SAY:

Properly trained citizens with clean criminal records should be able to carry handguns away from home to protect themselves and to deter crime. Texas should join the 22 states that allow most citizens to carry concealed handguns.

### **Voter referendum**

State legislators are elected to represent the people of Texans and to make decisions about state law. The people of Texas have spoken twice about the way they feel about carrying handguns: once in November 1994 when

Ann Richards, who vetoed in 1993 a bill that would have required a nonbinding referendum on carrying a handgun, was defeated and once when the state Constitution, that gives citizens the right to keep and bear arms was adopted. In addition, almost 80 percent of voters in a 1994 Republican party referendum supported the issue.

A referendum should not be held on Texans' constitutional right to bear arms. In addition, there is some question about the legality of passing laws contingent upon approval of a constitutional amendment. If SB 60 were made contingent on a referendum, the bill could be tied up in legal tangles that would needlessly delay its effect.

### **Crime and violence prevention**

Law-abiding Texans need to be able to carry handguns as a defense against armed criminals. The current state law governing handgun use is confusing, too restrictive about when and where citizens may carry handguns and lacks licensing and training requirements. Recent tragic events illustrate how the law-abiding public needs to be able to protect itself against criminals who have guns.

A clearer gun law would force criminals to think twice before victimizing citizens. Two surveys indicate that guns help deter crime. From 1987 to 1992 an average of about 62,200 persons threatened with violent crimes (1 percent of the total) used guns to defend themselves, according to the U.S. Department of Justice. One study estimated that guns are used 2.2 to 2.5 million times annually for self defense, and that handguns are used in 1.5 to 1.9 million of those cases.

Contrasting incidents in Texas and Alabama clearly illustrate the effects of current Texas law. In 1991 George Hennard drove his pickup truck through the windows of a Luby's cafeteria in Killeen and used two pistols to murder 23 people. Suzanna Gratia, who was with her parents when they were killed in the shooting, has said that she had left her handgun in her car because she was afraid she might lose her chiropractic license for illegally carrying it. Gratia has testified before legislative committees that if she had carried her gun into the cafeteria she might have stopped Hennard. In contrast, in 1991 an Alabama citizen legally carrying a .45

caliber pistol killed an armed robber and seriously wounded another who had herded about 20 customers and employees of an Anniston, Alabama, Shoney's restaurant into a walk-in refrigerator.

Fears of criminals using a victim's weapon or of a victim harming innocent bystanders are exaggerated. Six years of federal crime data have shown that in no more than 1 percent of defensive gun uses was the gun taken from a victim by a criminal.

In other states violence has decreased after approval of right-to-carry legislation. The homicide rate in Florida decreased 21 percent between 1987, when Florida first allowed residents to carry concealed handguns, and 1992, despite an increasing national homicide rate. In 1987 the Florida homicide rate was 37 percent above the national average, but in 1992 it was 3 percent below the national average. In 1987 Florida's homicide rate was 11.4 per 100,000, while the national rate was 8.3; in 1992 Florida's rate was 9.0 and the U.S. rate 9.3. Florida had a lower violent-crime increase in that period than the 24 percent reported nationally.

A right-to-carry law would not lead to a flood of gun use. Only about 1 percent to 4 percent of a state's population typically obtains concealed handgun permits, according to an Independence Institute report. From October 1987 through January 1995, Florida, with a population of about 13 million, issued only 266,710 licenses. During the same period 470 licenses were revoked, only 23 for crimes involving firearm use. As of January 1995, only 150,487 persons were licensed to carry concealed weapons or firearms in Florida.

### **Handguns and law enforcement**

Most police officers and some police organizations support concealed-carry proposals that allow properly trained, law-abiding citizens to protect themselves when the police cannot. Law officers often carry handguns for protection when they are off duty, an option all Texans should have. Law enforcement officers are already on alert that every car they pull over and every crime scene they enter could contain a loaded gun.

### **Firearm accidents, suicides, crimes of passion**

In Florida some law enforcement officials who opposed that state's concealed carry law have publicly admitted that it has not resulted in increased accidents or a wild west atmosphere.

Most firearm accidents, suicides, domestic violence and crimes of passion occur in the home, where Texans already can legally carry handguns. Despite often sensationalized media reports, the number of accidental gun deaths has steadily fallen over the past two decades while ownership was increasing, according to National Safety Council data. Accidents in which children misuse guns are tragic and can be prevented through education and proper safeguards.

Opponents of right-to-carry laws claim the laws would increase domestic violence, crimes of passion and suicides. Yet most domestic violence emerges gradually and could be quelled early through law enforcement, the courts or social service agencies. Crimes of passion are not premeditated, and would not increase just because people are authorized to carry the guns they may already have in their homes. Potential suicide victims already can obtain a gun and legally keep it at home.

### **Licensing safeguards**

Licensing safeguards would ensure that only law-abiding, mentally competent and properly trained people get handgun licenses. Criminal history checks would reveal arrests, charges and disposition of felonies and misdemeanors and disclose recent treatment for drug or alcohol problems. DPS could do whatever was necessary, including checking with local police departments or talking to neighbors, to assure that applicants were of sound mind, law-abiding and had no drug or alcohol problems.

### **Required training hours**

Ten to 15 hours of training would ensure that licensees know about guns and gun safety and would be in line with the approximately 13.5 hours of gun training required of persons becoming security guards. Licensees would have to pass a handgun proficiency course taught by a certified

instructor. The course would include classroom and shooting range instruction and would require persons to demonstrate their proficiency with a gun. Topics would include deadly force laws, gun safety, and dispute resolution. To renew a license, persons would have to complete a continuing education course.

### **Prohibiting concealed handguns in certain places**

This bill would allow handguns to be carried in most public places but would prohibit them from the places that might present unique circumstances such as places that sell alcohol or sporting events. Employers would retain their current authority to regulate their business premises and anyone carrying a handgun in a business that prohibited them could be subject to the criminal trespass laws.

### **Public access to license information**

This bill takes a reasonable approach to public information concerning handgun licenses. It would allow the public access to information about whether an individual had a license but would restrict application information that should be private. The Open Record Act was designed to preserve public access to governmental information, not public access to private information accumulated by a governmental agency.

### **Concealed or exposed handguns**

Licensees should be required to carry their guns concealed to keep criminals off guard about whether or not a potential victim has a handgun and to prevent alarm and uneasiness among gun-shy members of the public. Off-duty police officers conceal their weapons so they do not alarm the public.

### **Licensing fee**

The \$140 application and license fee are necessary to pay for adequate DPS background checks and licensing procedures without any cost to general revenue. CSSB 60 is designed to be revenue neutral to the state, so this fee could be reduced in the future if DPS' costs were lower. The fee is

reasonable, especially for a four-year license. Renewal fees could be significantly lower since DPS has authority to set them to cover necessary costs.

**OPPONENTS  
SAY:**

Allowing Texans to carry handguns in public would not deter crime or decrease violence but would instead result in more random violence, deaths, accidents, crimes of passion, domestic violence and suicides.

**Voter referendum**

The people of Texas should be allowed to vote on a decision as important as allowing the carrying of concealed handguns, especially because most polls in recent years show Texans about evenly split on the issue. An April 1995 Texas Poll found that 48 percent of those surveyed opposed allowing private citizens to carry handguns with a permit, 46 percent favored it and 6 percent didn't know. A referendum would allow both sides to make their case to the people and allow voters to have input on the decision.

**Crime and violence prevention**

Carrying a handgun is a poor means of personal protection and may create a false sense of security. Recent tragic shootings show how the proliferation of handguns has increased gun violence.

Armed criminals rarely give victims an opportunity to retrieve a weapon and often wrest the weapon from its owner, sometimes even from highly trained police officers. Of the 743 police officers killed nationwide in the line of duty in the last decade, 104 were killed with their own weapons, according to the Texas Police Chiefs Association. It is unlikely that an average citizen could do better.

Former White House Press Secretary Jim Brady, in opposing the concealed-gun legislation considered by the 73rd Legislature, noted that he and President Reagan were surrounded by the most highly trained Secret Service officers, all carrying concealed weapons, when they were shot by an assailant.

Increasing the number of legal gun users would not help reduce crime. In the five years after a concealed-handgun law was enacted in Florida in 1987 the violent crime rate (crimes per 100,000 people) increased 18 percent, and the number of violent crimes rose 32 percent. In 1992 Florida had the highest state violent crime rate in the country, 59 percent higher than the national average. In the first two years after Florida's concealed-weapon law was approved the homicide rate was virtually unchanged, and it declined only after background checks and a waiting-period requirement for gun purchases went into effect.

Gun violence is increasing, and putting more guns on the streets would increase it further. In 1992 handguns were used in about 931,000 murders, rapes, robberies and assaults nationwide, according to the U.S. Department of Justice.

Even gun-license supporters propose excluding handguns from schools, polling places, courtrooms, bars and sporting events. This is a tacit admission that carrying handguns poses a threat to innocent people, and raises questions about how extensive the exempt list should be. Should loaded handguns be permitted in crowded convenience stores, shopping malls, nuclear power plants, rock concerts and shelters for battered women?

Controlling criminals is the job of law enforcement, the courts and the penal system, not average citizens. The only real hope for combatting violent crime is to disarm criminals and to implement long-term solutions to crime such as more education and more economic opportunities. For the average citizen, non-lethal self-defense items like Mace and "stun guns," pose far less danger than carrying a loaded handgun in a holster or purse. Dreams that an armed citizen might intervene to avert a dramatic crime are fueled by those using emotional responses to crime to shape public policy.

### **Handguns and law enforcement**

Allowing Texans to carry concealed weapons would further endanger police officers. If more handguns are on the street, investigating police officers will have even more difficulty knowing who is armed, which is why many police officers oppose a license to carry handguns. Police do not want

well-intentioned civilians firing off rounds in public. Law officers' jobs would become more difficult with an increase in split-second decisions about whether every person with a gun was a friend or a foe.

### **Firearm accidents, suicides, crimes of passion**

Increasing the number of handguns and handgun users would result in increases in gun-related accidents, domestic violence, crimes of passion and suicides. Highway fender-benders, sidewalk arguments and disputes over retail or bureaucratic transactions could turn into shootouts. In September 1994 a shoving incident in a Houston restaurant escalated into a gun battle, and three men were killed. The overzealous could shoot those suspected of misdemeanor theft or criminal mischief. If handguns become more common, guns will be used as murder weapons more often.

The inevitable surge in gun sales stimulated by state-issued licenses to carry would endanger more children. Nearly 5,370 children age 1 to 19 nationwide, and 540 children in Texas, were killed by firearms in 1992, according to the federal Center for Disease Control.

About half of all firearm-related deaths are suicides, and firearms were used in about half of the suicides nationwide during two recent year-long periods.

### **Licensing safeguards.**

No law can ensure that handguns will be used safely and legally. Background checks would have to rely on insufficient criminal records, medical records and self-disclosure. No effective statewide screening process exists to identify violent criminals. The Texas computerized criminal history data base kept by the Department of Public Safety only identifies Class B misdemeanors and higher, leaving out some types of assault, disorderly conduct and other violent offenses.

DPS lacks any reliable way to check for mental competence or substance abuse, and confidentiality requirements would limit such investigations. Police officers have to undergo psychological testing, and it should be no different for individuals who want to pack a gun. DPS could never



accurately predict how a person would respond in a dangerous or threatening situation. Many substance abusers would fail to acknowledge their condition on a license application, and medical records may not reflect drug or alcohol abuse.

Other safeguards are necessary such as the random drug testing of permit holders.

### **Required hours of training**

The 10 to 15 hours of instruction is inadequate to prepare licensees to make proper decisions about using a gun. Police officers receive hundreds of hours of training, including many hours exclusively on the use of their weapons and must prove their proficiency yearly. It is naive to think that one firearm safety class would be adequate for citizens. Peace officers also receive extensive training on *when* — not just how — to use deadly force. It is doubtful that civilians would be able to respond safely and correctly when faced with a potentially dangerous situation.

### **Prohibiting concealed handguns in certain places**

This bill does not place enough restrictions on where concealed handguns could be carried. Concealed handguns should be prohibited in taxicabs, buses, restaurants and any place that sells alcohol.

### **Public access to license information**

Records relating to handgun licenses should be subject to open records laws. The public should be able to find out more than who has a license. Information about licensees would let the public know why licenses were granted or denied. This could help guard against discriminatory practices and would be similar to other licensing practices that allow public access to records.

OTHER  
OPPONENTS  
SAY:

Licensing of Texans to carry concealed weapons could be a precursor to gun registration and confiscation by the government. Texans already have a constitutional right to keep and bear arms for their own defense; the

Legislature may only restrict the *wearing* of arms and this bill would add too many restrictions.

### **Prohibiting concealed handguns in certain places**

There should be minimal restrictions on where a concealed weapon can be carried. For example, it is not appropriate to restrict them from hospitals. The purpose of allowing persons to carry a concealed handgun for protection is defeated if they are prohibited in public places. Restrictions on carrying weapons would let criminals know where to find potential victims who are not armed.

### **Concealed or exposed handguns**

Texans should be able to carry their handguns exposed, not concealed. Exposed handguns would be an even bigger deterrent to criminals than concealed ones and would allow everyone to know who is carrying a weapon.

### **Licensing fee**

The \$140 licensing and application fee coupled with a required class to get a proficiency certificate and continuing education would discriminate against low-income Texans, who are the most vulnerable to violent crime and most in need of self-protection.

#### **NOTES:**

The fiscal note estimates the state would receive about \$8.1 million and spend about \$11.3 million in fiscal 1996, and receive about \$9.3 million and spend about \$6 million in fiscal 1997 for CSSB 60. For fiscal 1998-99 the fiscal note estimates receipts of about \$16.1 million and costs of \$11.5 million. It also estimates an increase of 101 employees.

The committee substitute made numerous changes in the bill, including:

- prohibiting applicants from being certified unless they demonstrate minimum proficiency for a 9-millimeter or .38-caliber;

- placing a 10-year limit on convictions that would deem someone chemically dependent and disqualify them for a license;
- requiring, instead of allowing, DPS to disclose to criminal justice agencies whether individuals have licenses;
- requiring, instead of allowing, DPS to disclose to anyone who inquires and pays a reasonable fee whether individuals have licenses;
- removing a requirement that applicants waive confidentiality under the Freedom of Information Act, the Privacy Act of 1974 and other laws;
- adding drug and alcohol treatment to the items that would have to be disclosed on an application;
- adding an offense for providing false information on an application;
- preventing the carrying of a handgun in some places with alcoholic beverage permits and at hospitals;
- deleting a provision allowing owners of private premises commonly used by the public to prohibit the carrying of handguns on the premises by posting a notice and adding a statement that the bill does not prevent or limit employers' right to prohibit licensees from carrying concealed handguns on their premises;
- adding a defense to prosecution for displaying a handgun if the person would have been justified in the use of deadly force;
- allowing some law enforcement officers to receive gun permits under an alias.