

renew the Texas license until their state is recognized by Texas. These changes relate to the changes made in HB 1704, listed above.

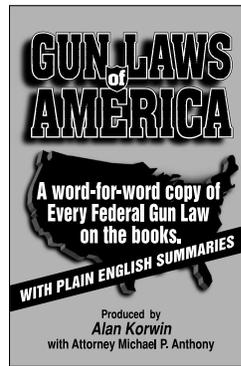
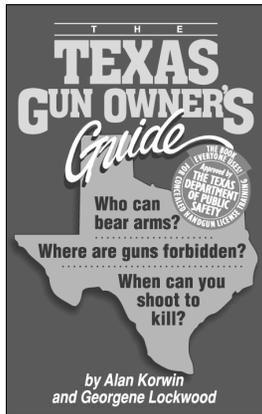
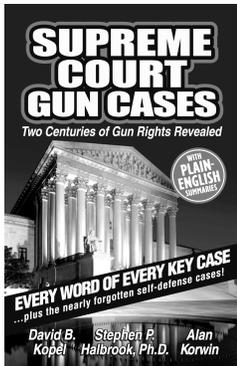
Recognition of another state is now determined by the Governor with the Attorney General, not DPS (i.e., elected not appointed officials). The old and unworkable standard of their-requirements-meet-or-exceed-ours had been dropped, but bureaucratic difficulties kept this unclear. The new language clarifies that a background check by the other state that simply establishes eligibility to possess a handgun under federal law is sufficient grounds for recognition. The Governor can now also proclaim recognition of the other state's licenses even if they don't recognize Texas.

This new law also requires the AG to submit an annual list of states that qualify for recognition. For states that do not qualify, the AG must indicate the statute changes those states would need to make in their laws in order to qualify for recognition by Texas.

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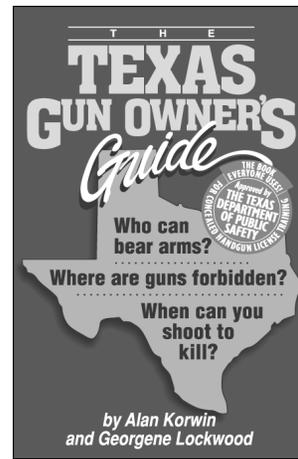
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These changes are based on the legislative session held in 2003. The Fifth Edition remains the most current in print. This update brings you up to date.

Texas saw some excellent improvements to its gun laws in 2003, with little slippage on infringement issues. A complete review for all “statutes affected” in the recent legislative session will be conducted soon. The main bills enacted are described below. Many thanks to Alice Tripp and Tara Mica and the Texas State Rifle Association, true Texas treasures, for help in developing this report. If you're not a member of this fine group, you should consider joining (tsra.org) and supporting the effort to keep Texas a free state with good gun laws.

The main bills affecting Texas gun law in 2003

In numerical order by bill number. Laws became effective on 9/1/03.

Bill	Effect	Statutes Changed	Summary
SB 103	amend	Penal Code 46.15	“Arm the government”
SB 103	add	Penal Code 46.15 (g)	Reciprocity for police
SB 117	add	Occupations Code 1701.357	“Arm the government”
SB 117	amend	Penal Code 46.15	“Arm the government”
HB 284	add	Penal Code 46.15(g)	RV carry approved
SB 501	add	Penal Code 36.05(f)	CHLs OK under trespass law
SB 501	add	Penal Code 36.06 (e)	CHLs generally OK in govt. bldgs.
SB 501	amend	Penal Code 46.03	Courthouse definition enlarged
HB 1704	amend	Government Code 411.172(b)	Felony re-defined for CHL
HB 1704	amend	Government Code 411.173(a)	New-resident CHL application
HB 1704	add	Government Code 411.173(a-1)	Non-issuing states amendment
HB 3477	amend	Government Code 411.173	Non resident license

Complete bill language, showing the added and deleted sections, is posted on our website, use the “Position Papers and Updates” button on the home page (gunlaws.com). Do not rely solely on the plain-English descriptions below—be sure to read the law verbatim, posted on our website or from other sources.

“Arm the Government” Laws Advance in Texas (SB 103, SB 117)

A little known effect of federal terrorism laws since 9-11 (the Patriot, Aviation and Homeland Security acts) is to increase federal gun law by 6.5%, a huge advance for such a short period of time. That's because various federal forces are authorizing themselves to be armed at all times (uninfringed carry—the very

thing the public is supposed to have, but does not have). Check our website updates for more on the federal side of this.

Texas experienced some similar activity locally, with the definition of officers expanded, approval for officer retirees to bear arms in an unfettered, unfringed way, and reciprocity for out-of-state officers. Under SB 103, out-of-state officers can carry in Texas, either on- or off-duty, including in public establishments, under reciprocal agreements negotiated and approved by the Texas Attorney General and the Governor.

Under SB 117, a special class of retired peace officers and retired federal investigators, described in the bill, may obtain a certificate of proficiency from their agencies, which exempts them from the restrictions on carry (listed under Penal Code 46.02 and 46.03) that most people would normally be under. The renewable certificate is good for two years. Qualifications require a sworn affidavit from the applicant, honorable retirement after 20 years, psychological and physical assessment, a court-approved tax at the option of the agency head (termed a “fee,” funds go to the County), weapons proficiency test, unspecified written procedures, registration of certificate holders, and court approval before issuance. Makes you wonder what sort of hoops a civilian would need to go through to enjoy similar “rights.”

Texas Enacts Motorhome Gun Rights (HB 284)

Law-abiding adults now enjoy the right to treat their motorhomes and travel trailers as their homes with respect to keeping and bearing handguns, knives and clubs. No CHL is required. This is an excellent idea for other states to pursue in the coming session: it advances the civil-right to arms; recognizes the individual right to keep and bear arms; acknowledges self defense; alleviates a dangerous risk to the people, families and their children (defenselessness); it’s fair; and most important, it is a reasonable common-sense gun law, an issue the news media seems highly concerned about.

The affected vehicles are your “premises” whether used on a temporary or permanent basis, and includes RVs, and towed vehicles such as a travel trailer, camping trailer, truck camper, motor home, or horse trailer with living quarters.

Texans Put Brakes on Government (SB 501)

Government agencies in Texas, emboldened by an opinion issued by an activist Attorney General (now out of office), began banning CHL holders from carrying their firearms in government buildings. This law reverses that situation, and generally restores CHLs ability to carry in government buildings. State legislators reaffirmed their intent to exercise preemption, to stop localities and other sub groups from enacting their own gun bans. This new law clarifies several points:

1 - The enhanced penalties for trespass with a gun do not apply to people with a valid CHL;

2 - The law that allows a place to ban CHL holders by posting a sign (Penal Code 30.06) does not apply to a CHL holder on property owned or leased by

a government entity, as long as it is not a premises or other place prohibited under 46.03 and 46.035 (the main prohibited-places lists, which may now see pressure to expand from various government entities interested in banning the civil right to carry). Reportedly, there is already a power struggle under way between the citizens of the state, and some government officials who want to ignore the new law and continue to post signs to ban CHLs;

3 - The prohibited place in 46.03, “in any government court or offices utilized by the court,” is expanded to, “on the premises of any government court or offices utilized by the court”.

Rapid CHL for New Texans (HB 1704)

An oversight in the prior CHL law required newcomers to establish residency for six months before applying for a CHL, leaving them defenseless for half a year (see “Eligibility” under Government Code 411.172). This was changed to allow immediate application by a person who relocates to Texas with intent of establishing residency. It was confusingly added to the “Nonresident License” section under 411.173. The six-month requirement still remains in 411.172 and would apply to people who move to Texas without intent to relocate.

HB 1704 also allows issuing a license to a person who comes here from a state that does not provide a license to carry (this is added to 411.173). If such a state subsequently begins issuing suitable licenses, the Texas license still remains in effect (the authorities reportedly had been confiscating such licenses). If that state goes on to establish reciprocity with Texas, then the Texas CHL remains valid but becomes non-renewable, and upon expiration (or earlier if you desire) you would get a license from your home state, which would then be recognized in Texas.

A person from a state that issues a carry permit, but that does not have reciprocity with Texas, must go through additional steps to exercise their rights, since their home-state license is not valid here and they are not eligible to get a non-resident Texas CHL (only non-residents from non-issuing states can apply). You would have to get a non-resident license in a third state, such as Florida, which will issue a non-resident license to you and which is also recognized in Texas.

This bill also clarifies what constitutes a disqualifying felony for the purpose of getting a CHL. The determination of a felony is made at the time you apply, so if the jurisdiction changes its definition at a later date, you are probably not subject to an *ex post facto* (“after the fact”) restriction and license revocation.

Non-Resident Licenses & Reciprocity (HB 3477)

One of the many drawbacks to the whole government-issued carry-license scheme is that non-residents of a state are denied their rights, or must endure loopholes and jump through hoops to enjoy a small taste of rights they may expect to have on an unfringed basis. Under changes just enacted, non-Texans from a non-permit-issuing state may obtain a Texas CHL, and it remains in effect even if their home state subsequently issues a license. They may