

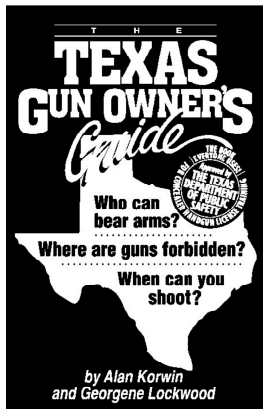
equipment, and 3- the property line of a school, hospital or commercial day-care facility. Regs are also authorized: 1- within 600 feet of the property line of a residential subdivision, and 2- within 600 feet of the property line of a multifamily residential complex, and 3- within 150 feet from a residence or occupied building on another property, and 4-if the projectile might cross the boundary of the tract.

For a centerfire or rimfire rifle or pistol the overall tract is less than 50 acres, within 1,000 feet of a rec area as above or 600 feet of a residential development as above, and within 300 feet from a residence or occupied building as above. A proper sport shooting range is exempt as long as projectiles can be reasonably expected not to cross tract boundaries. The use of "and" in the statute instead of "or" in certain spots creates what some might consider an error, or at least a difficult-to-determine precise meaning. This will be reviewed closely with new information posted at gunlaws.com. Bottom line, watch out for city regs on where you can shoot within city limits.

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Preliminary Draft — Subject To Change — Check GunLaws.com for latest info

THE TEXAS GUN OWNER'S Guide

Plain English Update for 2009–2010

These changes are from the Texas legislative session in 2009. The 6th Edition of *The Texas Gun Owner's Guide* (TGOG) remains the most current in print. **Insert this sheet into your book.**

10 significant gun laws passed in 2009.

All are effective on 9/1/09 (some took effect earlier), and all are described below, in order of bill number. Red-lined copies of the statutes are posted at gunlaws.com, along with updates going back for more than a decade. Copyright 2009 Alan Korwin.

Key: TGOG Pg # • Bill # • Statute • Description.

(Note: Page "D" = Only Appendix D law section is affected)

CCP=Code of Criminal Procedure; EC=Education Code; FC=Family Code;
GC=Government Code; HSC=Health and Safety Code; LGC=Local Government Code

27 • **HB267** (SB1188) • PC 46.07 • Texans can now buy firearms and related supplies in any other state where allowed by law. An old rule, limiting residents to only contiguous-state purchases, was repealed.

83 • **HB1020** • EC 37.07 • A student may not be expelled for use, exhibition or possession of a firearm if it occurs at an approved off-campus target range, while preparing for or participating in a school-sponsored competition or a shooting sports educational activity, which is sponsored or supported by the Parks and Wildlife Dept., or a shooting sports sanctioning organization working with the department.

138 • **HB1805** • PWC 62.005, 62.0056 • A hunter with a physical disability that prevents use of a traditional firearm-sighting device may use a laser sight, and is exempt from the hunting-with-lights ban, under limited conditions. The hunter must carry a doctor's note certifying the condition, use the laser sight during regular hunting hours, and be assisted by a person who is not disabled, has a hunting license and is at least 13 years old. (HB968, hunting with crossbows, is not a gun law and is omitted.)

77, 80, 81 • **HB2664** • PC 46.035 • A CHL holder has a defense to prosecution for being on the premises of a liquor-serving establishment (the type that must post "51" signs), if the person did not get "effective notice." This provides CHLs a degree of protection if a place fails to post the sign, or posts it in a way that could be overlooked or not recognized.

Chapter 2 • **HB2730** • Statutes listed below • The 244-page DPS overhaul bill covers numerous subjects, and because they're new, the full effects may not be clear until court cases and DPS policies clarify everything. The info here has been simplified for clarity, should be viewed as preliminary and is subject to change or reinterpretation. It is presented here in the order it appears in the enacted bill.

Extensive changes to the Private Security Act, generally Occupations Code chapter 1702, don't effect the general public. **PC 46.03** and **PC 46.15** are amended to accommodate the changes for various armed guards, bodyguards and similar, called "security officers," as defined by the new Texas Private Security Board (formerly called the Texas Commission on Private Security).

GC 411.1711: For the purpose of CHL disqualification, a felony does not count if it has been expunged, pardoned, vacated, set aside, annulled, invalidated, voided, or sealed under any state or federal law. **GC 411.172:** The list of disqualifiers for a CHL is expanded by including "equivalent offenses" to all the ones listed; default on a student loan is no longer a disqualifier; an offense is a disqualifier if at the time it was committed it was a felony, except if at the time of application it is not a felony, or doesn't contain all the elements of a felony as designated by Texas; the time periods limiting psychiatric hospitalization as a disqualifier have been repealed. **GC 411.174:** Requirements for CHL photos and proficiency certificates are now in the form and manner as DPS stipulates—several statutes are amended to make this change throughout, e.g., GC 411.185 (renewals) and 411.199 (national cop carry).

GC 411.179: CHL permits now indicate if the holder is a CHL trainer, in addition to various officials such as judges or DAs. **GC 411.181:** CHLs must notify DPS within 30 days of a change of status (judge, DA, etc.) in addition to address or name change. **GC 411.186:** A CHL must be revoked (was "may" be revoked) for material-fact errors on application, and "equivalent offense" is added to disqualifying offenses listed; disqualification for a bounced payment can now be corrected by full payment plus a \$25 fee paid within 30 days of notification. **GC 411.187:** License suspension for causes listed is now mandatory (was discretionary), and now includes an "equivalent offense," and failure to notify of status change in timely manner.

GC 411.188: CHL instructor may submit, in writing, a recommendation against issuing a CHL (or renewal or modification) to an applicant, for inadequate handgun proficiency. DPS may accept this only if it determines it is made in good faith and supported by a preponderance of the evidence. **GC 411.1882:** Certain "proper authorities" (various judicial officers) may establish handgun proficiency with a sworn statement from a designated LEO instructor, providing latitude over what a regular person would need. **GC 411.190:** CHL instructors can now renew certification online if they are renewing for the first time, or if they completed the required courses for their previous renewal (i.e., requirement to attend renewal courses is cut in half).

GC 411.208: Limited instructor immunity does not cover actions involving fraud or deceptive trade practice. **CCP 17.292:** A CHL shall (was "may") be suspended for a defendant under an emergency order of protection. **FC 85.022:** A CHL shall (was "may") be suspended for a person found to have committed family violence. **PC 46.06:** Amended to comply with the current definition of a felony. **GC 411.175** and **189** are repealed, replaced by new language above. **GC 411.187** and **205:** The requirement to display your CHL license and ID to officials on demand remains in effect but the penalty and suspension for not doing so is repealed.

21, 47 • **HB3352** • GC 411.052, 411.0521, HSC 574.088 • Clarifies that a prohibited possessor includes (among others): 1- a person ordered by a court to receive inpatient mental health services under HSC chapter 574; 2- a person acquitted

in a criminal case by reason of insanity or lack of mental responsibility; 3- a mentally retarded person committed to long-term care under HSC chapter 593; 4- adults who have an appointed guardian under Probate Code chapter XIII for lack of mental ability to manage their own affairs; and 5- a person incompetent to stand trial under CCP chapter 46B.

DPS is required to provide only the information necessary to identify prohibited possessors, to the NICS background check database run by the FBI. Those persons shall have access to their own information, which is otherwise confidential except as provided by law. DPS must have a procedure to correct the information and send the corrections to the FBI. A person seeking relief must provide a copy of a judicial order stating that the person is no longer incapacitated or is entitled to relief under HSC 574-088, or proof of relief under the federal rights-restoration statute, 18 USC §925 (which has been suspended and of no use since 1992, as affirmed by the U.S. Supreme Court in *U.S. v. Bean*, 2003).

A person seeking rights restoration is authorized to petition the court for the needed orders, and the court must consider evidence to ensure the person is indeed qualified to have rights restored, including circumstances that led to the disability under federal law (18 USC §922(g)(4)), the person's mental history, criminal history and reputation. The court must officially state that the person is no longer likely to act in a manner dangerous to public safety, and removing the person's disability to purchase a firearm is in the public interest.

Courts are required to provide relevant mental health dispositions to DPS, including disqualifying and relief-from-disabilities findings, within 30 days of determination. The notification must include detailed identifying information for the person and copies of relevant court orders. Court clerks are required to provide back records from Sep. 1, 1999, by Sep. 1, 2010.

D • **HB4336** (SB2225) • PC 46.14, PC 71.02, CCP 59.01 • Having, transporting or transferring a firearm that was obtained illegally is a 3rd degree felony. If three or more firearms are involved it is a 2nd degree felony. If the activity is done for profit or other remuneration, the next higher category of penalty applies, and other charges may be added. Police officers acting in the line of duty are exempt.

89 • **HB4456** • PC 46.01 • Clarifies that certain knives designed to open easily are not switchblades. A switchblade "does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome resistance and open the knife."

46 • **SB1236** • CCP 14.06 • A citation issued for a class C misdemeanor domestic-violence offense must include a statement in bold underlined capital letters warning the person that a conviction could remove the person's right to keep and bear arms under federal and state law. Before a defendant enters a plea of guilty or of no contest to such a misdemeanor, the court must give the same warning, orally or in writing (if only a fine is involved, the written statement on the citation is deemed sufficient).

102, 113 • **SB1742** • LGC 229.003 • Municipal control over discharging a firearm or other weapon is increased for unnamed cities specified by population size (Pop. 1MM or more, in a county of 450K or more, adjacent to a county of 2MM or more; don't look at me, I didn't write the thing). The city can only regulate discharge of a shotgun, air rifle or pistol, BB gun or bow and arrow on lands that are: 1- 10 acres or less, and 2- within 1,000 from the property line of a public tract publicly accessible for organized sports or recreation, or that has permanent recreational facilities or